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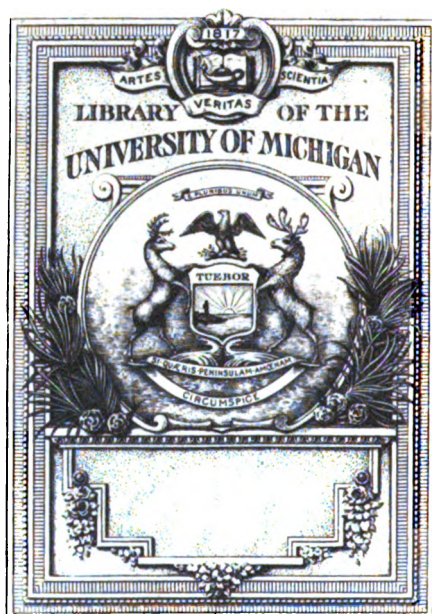
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JOURNAL
OF THE
SENATE
OF THE
STATE OF MICHIGAN,
AT THE
FIRST AND SPECIAL SESSIONS OF THE LEGISLATURE,
IN THE YEAR
1837.

1837.
BY AUTHORITY.

DETROIT:
JOHN S. BAGG, STATE PRINTER.
1837.

101

JOURNAL
OF THE
SENATE,

FIRST SESSION.

January 2d—March 22d, 1837.

Monday, January 2, 1837.

This being the day fixed by the Constitution of the State of Michigan, for the regular annual meeting of the legislature, the Senate convened in their chamber in the capitol at the city of Detroit. Having been called to order by the Lieutenant Governor, Hon. Edward Mundy, and the Chair having announced a quorum to be present, it was

On motion of Mr. Barry,

Resolved, That a committee of privileges and elections be appointed, to consist of five members, one from each senatorial district, and that said committee examine the credentials of the new members elect, and report the same to the Senate. Whereupon,

Messrs. Barry, Rumsey, McDonell, Ellis and Clark were appointed by the Chair, said committee.

The Senate, on motion of Mr. Ellis, then took a recess of fifteen minutes.

When the Senate again convened, Mr. Barry, from the committee appointed to examine credentials, made the following

REPORT:

That for the first district, John McDonell is elected for the term of two years.

That for the second district, Anthony McKey is elected for the term of two years.

That for the third district, John S. Barry and Horace H. Comstock are elected for the term of two years.

That for the fourth district, William Moore and George B. Cooper are elected for the term of two years.

That for the fifth district, John Clark and Jacob Summers are elected for the term of two years ; and that for the same district, Randolph Manning is elected for the term of one year, to fill the vacancy occasioned by the resignation of Charles C. Hascall.

The roll being called, the following members of the Senate of last year, and whose terms had not expired, appeared and answered to their names, viz : from the first district, Jonathan D. Davis, Conrad Ten Eyck ; from the second district, Edward D. Ellis, Olmsted Hough ; from the third district, Calvin Britain ; from the fourth district, Henry Rumsey ; from the fifth district, Ebenezer Raynale ; and the following new members also appeared and answered to their names, viz : from the first district, John McDonell ; from the second district, Anthony McKey ; from the third district, John S. Barry, Horace H. Comstock ; from the fourth district, William Moore, George B. Cooper ; from the fifth district, John Clark, Jacob Summers, Randolph Manning.

The new members elect, thereupon, severally took and subscribed the oath or affirmation of office, required by the first section of the twelfth article of the constitution of the state, and took their seats as members of the Senate.

On motion of Mr. McDonell,

Resolved, That the secretary inform the House of Representatives that the Senate is organized and ready to proceed to business.

Mr. Comstock submitted the following resolution :

Resolved, That the Senate do now proceed to the election of secretary, one serjeant-at-arms, and one door-keeper.

Mr. Barry having moved to amend by inserting after " secretary," one enrolling and engrossing clerk, and one recording clerk ; the resolution and amendment, on motion of Mr. McDonell, were laid on the table.

Mr. Britain submitted the following resolution :

Resolved, That John S. Bagg, esq., editor of the Democratic Free Press, be appointed printer to the Senate.

Mr. Ellis moved to amend by substituting the following :

Resolved, That John S. Bagg be appointed to do the printing of the Senate, under the direction of such committee as may be appointed for that purpose, until otherwise directed.

Which amendment having been lost, Mr. Barry moved to lay the resolution on the table, which was not agreed to, and the original resolution was thereupon adopted.

On motion of Mr. Hough,

Resolved, That the secretary of the Senate be, and he is hereby directed to furnish at the expense of the state, the president and each member of the Senate, such newspapers as they may respectively direct, not exceeding in price two daily papers.

On motion of Mr. Britain,

Resolved, That the secretary of the Senate be instructed to furnish the printer to the Senate with a journal of the Senate's proceedings on each day of the session, as soon as practicable, after the close of the session for said day.

Resolved, That the printer to the Senate be requested to publish in the Democratic Free Press the daily journal of the Senate's proceedings as furnished by the secretary, and on each day of the session before the opening of the session for said day, to furnish the table of each member of the Senate with the journal of the Senate's proceedings on the preceding day.

A committee was announced from the House of Representatives, who informed the Senate that the House was now organized, and ready to proceed to business.

A message was received from the House of Representatives, through their clerk, informing the Senate that the House had appointed a committee of two on the part of the House of Representatives, to join such committee as might be appointed on the part of the Senate, to wait upon the Governor and inform him that both houses of the legislature were now organized and ready to receive any communication he might think proper to make

The Senate, on motion of Mr. Barry, agreed to the appointment of a committee on the part of the Senate to join the committee from the House of Representatives, and Messrs. Barry and Manning were appointed said committee on the part of the Senate.

Mr. Barry, from said committee, reported that the joint committee had waited upon the Governor, and that he was prepared to make a communication forthwith, either personally to the two houses jointly assembled in the hall of the House of Representa-

tives, or in writing to the Senate and House of Representatives severally; and moved that the secretary inform the House of Representatives that the Senate were now ready to meet the House of Representatives in their hall to receive a communication from the Executive, which motion was agreed to by the Senate.

Mr. Hough laid the following resolution on the table :

Resolved, That the secretary cause to be procured for the use of this Senate, the constitutions of the United States and the state of Michigan; the articles of confederation; the order of business in the Senate and House of Representatives; the joint rules and orders, and the rules and orders of the Senate and House of Representatives; an alphabetical list of the members of both houses, with their places of residence, and a list of senators according to their districts; a list of the members of the House of Representatives by counties; a list of the officers of both houses; the standing committees of both houses: the select committees of both houses on the Governor's message; a list of the banks and insurance companies in the state, with the amount of their capital and the time when their charters expire; a list of the railroad companies in the state, with the amount of their capital, and the time they were incorporated; the act requiring the publication of notices in certain cases; copies of a map of the state of Michigan, and a calendar for 1837; and to have the same bound in a pocket volume, and deliver a copy thereof to each of the senators and officers of this House.

A committee was announced from the House of Representatives, who informed the Senate that the House were now ready to receive the Senate in the hall of the House of Representatives, to receive the message of the Executive.

And the Senate thereupon, on motion of Mr. Barry, proceeded to the hall of the House of Representatives, conducted by the above committee from the House.

When the Senate returned to their chamber, the President announced that the two houses in joint convention had received from the Governor the following message :

MESSAGE.

*Fellow citizens of the Senate,
and House of Representatives :*

On the annual assemblage of the representatives of the people, I am again required to review the affairs of the commonwealth, and in obedience to the express injunction of the constitution, to recommend to the legislature such matters as are expedient and essential to its permanent welfare and prosperity.

In taking a retrospect of the past year, we find much cause for congratulation. The tide of emigration is rapidly extending its course to the remotest borders of the state ; unprecedented health has blessed the habitations of the people ; abundant harvests have crowned the exertions of the agriculturist ; our cities and villages are thronging with an active and enterprising population ; and notwithstanding the embarrassments which have surrounded us in our relations to the federal Union, social order has been preserved, and the majesty of the law has been supreme. Such are the advantages which have been secured to us during the past year, and we should not overlook the gratitude due the High Source from whose bounty they have arisen, and through whose providence and power they are to continue.

I wish it were in my power, fellow citizens, to communicate to you as my first duty, the honorable and favorable accommodation of our difficulties with the general government. That duty I trust, however, is postponed to no distant day. The convention which assembled under the act of July the twenty-fifth, eighteen hundred and thirty-six, and to whom was submitted the proposition of the Congress of the United States, refused to accede to the proposed terms of admission of the state into the Union. A subsequent convention of the people, assembled without the sanction of the legislative or executive agency, have nevertheless given the assent required by the act of Congress as a prerequisite to our admission, reserving at the same time to the people of Michigan, all their right under the constitution of the United States, and protesting against the constitutionality of the power exercised by the federal government. It does not perhaps become me at this time, and in my present place, to deliberate upon the validity of the proceedings of this convention. It is sufficient for me to state,

that it emanated with and from the exclusive source of all political power ; that it had its origin in that declaration of your constitution which asserts, that government is instituted for the benefit, protection and security of the governed ; that it recognizes the greatest good of the greatest number as the vital principle of the social compact, and that its authority is the deliberate will of the people.

I am unauthorized to say in what light the authorities of the United States will view the assent given by this convention. Whether it will be considered a compliance with the requisition of the act of Congress, or not, I am unable to state. Nothing official has been received that would justify a conclusion on this point. Neither have I been able to indulge a reasonable hope that Congress will remove the obstacle to our admission by a repeal of the obnoxious provision of their law, and permit the unconditional admission of the state into the Union, as she is in justice and by right entitled.

My views of the rights of Michigan under the ordinance of seventeen hundred and eighty-seven, as repeatedly expressed to the legislature, remain unaltered and unalterable. In the question of our admission into the Union, I would yield to the general government nothing as a matter of right, unless their claim of power was clearly pointed out by the constitution and laws of the country. I protest against the constitutionality of an act of Congress prescribing any condition to the admission of a state into the federal Union. The states themselves and the judiciary are the only tribunals competent to take cognizance of conflicting claims of boundaries between states. But it is needless for us to theorize longer upon abstract principles of right. We are compelled to view things as *they are*, and not as they *should be*. At one period of the controversy the legislation of Congress was with us. It is now against us, and we must respect it. We therefore spend a bootless grief by delaying our admission into the Union, and I deem it your duty to extend every aid in your power, by which an object so desirable may be most certainly accomplished. The interests of your constituents demand this at your hands ; a sound and prudent policy dictates it.

The people of Michigan, it is true, with an unanimity seldom

if ever equalled, deny to congress the right of attaching any condition whatsoever to their admission into the Union. The power has however been exercised, and admitting the wrong, who will point out the remedy? An appeal to the supreme judicial tribunal of the country is denied us until a state of the Union, and if the right could be acknowledged to us, we cannot exist as a state independent of that Union. Whatever brilliancy our increasing prosperity may exhibit, it is but a reflected light of a confederated republic.

Then, fellow citizens, what course is there left for us to pursue? But one, and that a patriotic obedience to the will of the people of the United States. We have our views in regard to the constitutionality of the power exercised by Congress, it is true; but we must not forget that we constitute but a small fraction of the thirteen millions of people, who by their representatives have given this decision against us, and that their views are perhaps in their minds, entitled to equal consideration with our own. We can only judge the future by the past, and we cannot therefore reasonably expect the present or a future Congress to annul the solemn enactment of their predecessors. We have no additional argument to offer, for argument has been exhausted. We have petitioned; we have remonstrated; but all has been in vain.

Yet there is, fellow citizens, perhaps a remedy left us, which tyranny may drive a people to adopt. It is the natural right of resistance to oppression inherent in every community; it is the *ultima ratio* of a desperate and oppressed people, whose edict must be written in blood. But have we reached that degree of oppression where resistance to authority becomes a virtue? I will not, fellow citizens, offer an indignity to your understandings and feelings, by an answer to such an interrogatory. I feel that, as American citizens, we should cherish the tender ties of a common descent, and recollect that our federal Union was the offspring of the great achievements, the common perils and common triumphs of the fathers of the republic. We recognize in the government of the United States the representative head of that Union; we acknowledge it to be the guardian of the constitution, authorized and bound to enforce its laws; and although we have

felt the heavy hand of its injustice, we will neither resist nor revile that parental authority, but rather, like the sons of old with averted faces, conceal with a garment a parent's nakedness.

The period has arrived when Michigan can no longer, without detriment to her standing and importance as a state, delay the action necessary for the developement of her vast resources of wealth. Nature has bestowed upon us the highest advantages of climate, a fertile soil, and peculiar facilities for commerce; and with a prudent and wise forecast to be exercised by the legislature and the people, we cannot fail soon to reach that high destiny which awaits us. I proceed, therefore, to the consideration of the general affairs of the state, and shall call your attention to such subjects as seem to demand immediate legislative action.

The annual reports of the Auditor General and Treasurer will be transmitted to you. Our revenue system is as yet imperfect, and I would most respectfully suggest a careful review and digest of the laws providing for the collecting of state, county and township taxes. Some mode should be provided by which the assessments of taxes could be made more equal in the different counties and townships. Under the present system of taxation, the disparity in many cases has become so great, as almost to destroy every thing like an equality in the apportionment of this part of the public burdens. The unexpended balance in the state treasury on the first day of the present year, as exhibited by the Treasurer's report, was \$27,130 68-100. The current expenditures for the ordinary purposes of the government, for the year 1836, were \$50,301 26-100. As yet no state tax has been collected and paid into the treasury. The act of March the 12th, 1836, levying a tax for state purposes, has not been as fully carried into effect by the supervisors of the several counties, as might have been expected. Every effort has, however, been made to remedy the neglect, and to secure a prompt fulfilment of the provisions of the law by the first of March next. The revenue derived from this source will, it is thought, be ample for all the current demands of the state during the present year. Economy in the expenditures of the government must, however, be substituted for taxation, and this can in no wise be so effectually ac-

complished as by a prompt discharge of their duties by the officers of the people.

Short sessions of the legislature, so far as is consistent with a due attention to the public interests, should be observed, and an avoidance of all extravagant and unnecessary expenditures is absolutely demanded by our constituents.

In the event that Michigan should receive on deposit that portion of the surplus revenue of the government of the United States, which is so justly due her under the act of Congress, it will become your duty to provide by law for its safe and prudent disposition. By the provisions of the law, that portion of this revenue which will probably be assigned to Michigan, becomes a deposit with the state, liable to recall in whole or in part whenever the wants of the general government may demand it. The faith of the state is pledged for its return, and it does not become us under these circumstances to calculate upon the chances of this demand never being made.

It is our duty to be prepared to perform our part of the agreement in good faith, and for this purpose two modes are suggested, by which the state may at any time command the funds necessary to enable her to meet the requisition of the general government when required.

First, I would suggest for consideration the propriety of authorizing the Executive by the passage of a law for that purpose, to issue a state stock, upon which the necessary funds to meet a call by the authorities of the United States for any portion of this surplus, may be readily realized. The call when made, by a provision of the act of Congress, must be preceded by due notice, which would enable the state to meet the emergency by a sale of her stock. The second mode suggested, and the one which I deem preferable, is, that the whole amount of revenue received from the United States be loaned on good security to such banks or other institutions as the legislature may designate, subject to recall by the state in whole or in part at such periods as would meet the demands of the general government. The interest accruing to the state on these deposits, might be appropriated to the current expenses of the government, may be applied to such other purposes as the legislature may direct, or it may be consti-

tuted a sinking fund for the redemption and payment of interest on such loans as the state may hereafter contract for internal improvements or other purposes.

In compliance with a joint resolution of the Senate and House of Representatives, I have submitted to each railroad company within the state, the proposition of transferring to the state their respective charters. As yet the Detroit and St. Joseph and the St. Clair and Romeo railroad companies, have alone responded to the proposal of this resolution. The president of the first named company has communicated to me their decision, informing me that the company will readily surrender to the state their stock, upon the repayment of the sums advanced, under such an arrangement as will secure the completion of the work within a reasonable period.

This proposition is a liberal one, and the importance of the contemplated improvement is such as should induce its prompt acceptance by the state. The latter company will surrender their charter on condition that the state will pay to them the sums which shall have been expended at the time the transfer shall be required, and that the state engage to complete the road within six years from the first of January next, to some point on Lake Michigan or Grand river. If, however, the legislature should determine not to receive the exclusive charge of public works of the above character, I would again suggest that the state take such an amount of stock in the chief routes which have or may be ordered, as will secure to the people a controlling influence over them. The importance of this suggestion, if not admitted now, will be acknowledged hereafter, when all the great avenues of the state are found in the hands of private companies.

In my last annual communication to the legislature, I endeavored to urge upon their consideration the importance of maturing without delay, a permanent and judicious system for the direction of our internal improvements. The constitution enjoins this duty upon you, and I earnestly commend it to your most serious attention. The first measure to be adopted in carrying into successful effect this branch of our state policy, is the immediate organization of a board of internal improvement. Under the direction of this board, the surveys essential in legislating

safely with reference to contemplated works of improvement should be made during the present year, so that at the next session of the legislature, measures may be adopted for the immediate commencement of such canals, railroads or other public works as may then be sanctioned and designated. Competent engineers should be employed under the direction of the state board, and without the evidence of their estimates and investigation, no important work of improvement should ever be ordered by the legislature. If this plan is not adopted, the state will be constantly liable to the heavy charge of extravagant, unprofitable and useless expenditures. The state is amply competent to the construction of her own internal improvements, and by a wise and economical expenditure of the means which may be placed in your hands, you may in a great measure supersede the necessity of placing all those resources of wealth in the hands of private companies. Whilst every section of the state is equally entitled to your liberal and encouraging legislation, I may be permitted to suggest several surveys, which may be ordered during your present session. The practicability of uniting the waters of Lake Michigan with those of the eastern part of the state, has been long conceded. It is impossible, however, without previous surveys, to determine which is the most practicable of the many routes which have been suggested. In casting a glance over the map of the state, different communications will readily occur to you as seemingly practicable. The head waters of the Grand river flowing into Lake Michigan, it is believed, might be connected with the waters flowing into Lake Huron or the Black river of St. Clair; and I am credibly informed that a canal fourteen miles in length would unite the head waters of the Looking Glass river with the head waters or tributaries of the Shiawassee: Again, it may be found upon survey that this communication may be continued by canal to the Detroit river, or down the Shiawassee, to the mouth of the Saginaw: the Huron it is thought may be connected with the Red Cedar; and the Raisin with the head waters of the St. Joseph's or Kalamazoo. These surveys can be made, and then the legislature may select for construction one route or more, if found practicable, or if justified by the means of the state. In the event, however,

that sufficient water for canal purposes cannot be obtained at the summit level between Lake Michigan and Lake Erie, the state will be compelled to direct all her energies and resources to the construction of rail and Macadamized roads, or roads laid with wood, and to the improvement of the navigation of her inland streams.

In relation to the immense annexation of country which has been made to the state, north and west of Lake Michigan, it becomes necessary that we should adopt some measure by which the acquisition may be rendered valuable. The value of the fisheries and other objects of trade and commerce on Lake Superior, will, I am confident, yet exceed the expectations of the most sanguine of our citizens; and it only needs a communication for our shipping around the falls of the St. Mary's river, to enable us to realize those expectations. This work should, however, be considered essentially national, and I would therefore suggest, that you memorialize Congress for an appropriation for the construction of a ship canal from the outlet of the lake to a point on the river below the falls. The distance between the two points will not, it is thought, exceed one mile; and the expenditure of one hundred thousand dollars in the construction of this canal, would be so trifling a matter, when compared with advantages growing out of it, that we should not lose sight of the importance of making it a state improvement, in the event that the government of the United States should refuse the necessary appropriation for its completion.

Numerous applications for charters will be made to you at your present session, for the construction of railroads in different sections of the state. I feel it my duty as the executive officer of the government to give my sanction to all applications of this character, however much I may doubt the expediency of too great an extension of chartered privileges, whenever I am satisfied that the public and not private interests, are the objects of the application. In assuming this rule of conduct, I shall not fail at the same time to keep before me the fact that railroads are only of advantage to the great body of the people, where they tend to increase the value of products of agriculture and the demand for labor. These results are only to be expected from such railroads

as open a market for produce, by supplying better and cheaper facilities of transportation to such parts of the state as were in a measure before deprived of them. I am led to these suggestions from the circumstance that all applications for railroad charters are apt to be too readily granted, whether running from one section of the state to another, from village to village, or from neighborhood to neighborhood. The result of this course of legislation, if persevered in, must be that the common roads of the country will become neglected and forgotten, will be rendered unfit for the ordinary purposes of travel, and the farmer must ultimately be dependant on private companies for the transportation of his produce, upon such terms and at such prices as individual interests may dictate.

So manifestly important and essential to the permanent interest and prosperity of the state, is the immediate perfection of a system of internal improvement, that I deem it unnecessary to urge the subject more fully upon your attention. In the first commencement of our public works, we must necessarily rely upon foreign loans for the immediate means of carrying them into effect. I would therefore recommend the adoption at your present session of such measures as may be required in the negotiation of such a loan as is demanded by the objects which we have in view. A loan of five millions of dollars, to be drawn as wanted, it is thought would be sufficient to accomplish all the important public improvements demanded by the state for the present; and that economy may be considered as misjudged, which, for the sake of avoiding an immediate advance of money, would subject the community to inconveniences and evils a hundred fold greater than the benefits to be derived from procrastination.

The Superintendent of Public Instruction will report to you a system for the government of the University of Michigan, and for the organization of the primary schools of the state. For the details of these systems, I refer you to the report, which I commend to your most earnest consideration. I cannot, however, dismiss the subject of education, without endeavoring to impress upon your minds the truth, that in it is embraced the most vital interests of the country, and that no object within the province of

your legislation should demand so important a portion of your time and attention.

The state fund for the support of common schools, with a prudent husbandry, will equal our utmost wants. The University of Michigan will also possess an endowment which will enable the state to place that institution upon an elevation of character and standing equal to that of any similar institution in the Union. I would therefore recommend the immediate location of the University, and at the same time the adoption of a system for its government, as well as a system for the government of your primary schools.

In the organization of your common schools, which are the foundation upon which your whole system of education must be based, the first measure essential to their success and good government, is the appointment of teachers of the highest character, both moral and intellectual. Liberal salaries should be allowed the instructor; and without this you may rest assured you must fail in your object; as individuals in all respects competent to the charge of your schools, will be excluded from them by the parsimoniousness of their compensation. Let me also suggest that you adopt a permanent and uniform standard of works to be used in schools; and that in the studies selected, they may to as great an extent as practicable embrace the useful and practical information of life. Let your youth be taught the first principles in morals, of science and of government, commencing their study in the primary schools, elevating its grades as you approach the district seminary, and continue its progress until you reach the highest seat in your University. By this system, your children will acquire practical knowledge for after life, and have instilled in their minds at an early day their duties as citizens, and above all, their obligations to the Searching Power of another world.

In contemplating the past and dwelling upon the future, we are forcibly reminded that if our government is to outlive the term heretofore allotted to republics, it is to be accomplished by the diffusion of knowledge amongst the people; and that we must depend upon the power of a liberal and enlightened public "as the palladium of a free government, the ægis of our federal existence." Let us not suppose that we are beyond the calamities

which have befallen other nations. Man is the same now as he ever has been, subject to like passions and governed by the same impulses.

Republican Greece and Rome, as they increased in opulence and luxury, resigned themselves to those vices which they despised under the simplicity of their early institutions. Can we feel exempt from the effects of like influence? Have we not departed from the simplicity and purity of the early days of the republic? Are we not found, as the last of the fathers of the revolution are descending to their tombs, calculating the chances of our Union: and are we not endangered by the servile imitation of the customs of the old world? To arrest this devastation of republican feelings and principles, guard the education of the rising generation. Teach them in their earliest lessons of life, the great principles upon which their government was founded, and keep before their minds those scenes of our country, which are richest in harvest of American glory, and which have chiefly contributed to immortalize the American name.

His honor the Chief Justice will report for adoption at your present session, a revised code of laws, prepared agreeably to the instructions of your predecessors. I refer you, however, to his communication, which will be transmitted to you, for the reasons urged by him in support of an extension of the time originally allowed for the preparation of the report. In a work of so great magnitude as the digest of a code of laws for the government of a state, it is impossible for a single individual to complete the undertaking with that degree of perfection that would be satisfactory to himself or best promote the interests of the public. The shortest period ordinarily allowed for the completion of similar revisions, has been from two to four years. I would therefore recommend an extension of time in the present instance. The Chief Justice is, however, prepared with such a digest, as the necessary attention to his other duties, and his limited time for its preparation would allow, and asks your early decision on the subject.

Should you, however, proceed to the adoption of a code of laws at your present session, I may be permitted to suggest the importance of simplifying your judicial proceedings as far as may

be practicable, and of clearly defining by statute all criminal offences and their penalties. Every member of society, however humble, should comprehend what duties he is enjoined by the law to discharge, every act that he is prohibited from committing, the penalty for a violation of its injunctions, and the proceedings and forms by which he is to be adjudged.

That portion of your jurisprudence, which provides for the adjudication of private wrongs, is not perhaps so easily regulated. It may be considered impossible to embrace within the narrow precincts of your code all civil cases and their remedies; but approach it as nearly as possible. And in the progress of your labors on the subject, you should adopt the rule laid down by a distinguished and learned jurist, and sanction no theory, by whatever specious argument supported, until convinced of its practical utility; admit nothing upon the mere authority of a high name; make no unnecessary innovation, but boldly propose every change that may be necessary or useful.

Connected with the revision of the laws, there is no subject merits more seriously the attention of the legislator and philanthropist, than that of imprisonment for debt. The system is a time honored relic of barbarism, and has only been permitted to remain upon your statute book through the claims of its antiquity. The right of personal liberty makes so permanent a feature in the first principles of a free government, that its security should never be endangered, except on considerations of the highest magnitude. The fraudulent debtor, who is morally a criminal, should be made to feel the penalty of offended justice; but under your present system, the victim of misfortune is classed with the criminal and subject to the same indiscriminate punishment.

The test of experience has long since shown that imprisonment for debt as at present established in most of the states, has failed in its object. The fraudulent debtor escapes unpunished, while the poor but honest man alone feels the oppression of the system. Offer the creditor, if necessary, the most peremptory process against property, which is the legitimate object of the law; provide for the punishment of fraud; but protect inviolate the liberty of the unoffending citizen. If imprisonment for debt is abolished, you will soon find substituted in its stead wholesome and effectual

collection laws ; mutual confidence will become the guarantee of trade, and our country will be relieved from one of the darkest stains upon its character.

The age in which we live, is said to be the harbinger of improvement in our moral and social relations. We are engaged in efforts for bettering the condition of man in other climes ; we are wailing over the lost liberties of a race exclusively within the control of others, and yet forget that at our own threshold rests the ready instrument of injustice and oppression.

It may be said that the moral sense of the public will protect the unfortunate debtor from oppression. Will you accept this guarantee and cease all efforts of philanthropy, which the present day is making? Trust not frail mortality with discretionary power over the liberties of his fellow man, for the lessons of life teach us that the moral sense of the community is sometimes a false security for misfortune. Your system of imprisonment for debt may be considered to be at war with the spirit of a free government ; and I would therefore recommend its total abolition. Blot it from your code of laws, and enable Michigan to commence her career as a state of the confederacy, the advocate and supporter of a liberal and enlightened legislation.

I find by reference to the notices of applications to be made to you for legislation at your present session, that you will be called upon to legislate extensively upon applications for bank charters. This subject involves the currency of the country, and cannot be regarded with too much interest and care. The question involved in all legislation upon this subject, is one of simple expediency, and the responsibilities involved, in a great measure rest upon the legislature. The executive officer, strictly construing his veto power, should confine its exercise to constitutional questions, unless it be in flagrant cases where facts come before him which have been withheld from the knowledge of the legislature. Questions of expediency, as a general rule, should be left to the immediate representatives of the people. The country, it is true, is laboring at present under an unprecedented pressure in the money market. But it is a mistaken idea that extensive issues of bank paper will remove this evil. Banks are rather the effect than the cause of the prosperity of a state. They may afford fa-

cilities in trade, but they are not the foundation of the public wealth. The wealth of the state has a deeper source ; it springs from the agricultural industry of the country ; it emanates from the labor of the people. The cause of the existing pressure does not arise so much from the want of banking capital in the country, as from an unnatural state of trade, produced by the wild and reckless spirit of speculation which has overrun the land, and has withdrawn capital from its usual channels. This capital must return to the channels where it properly belongs, before entire relief to the community can be experienced ; and as it is generally invested in real estate, this return will be found to be gradual in its operations. A wise and prudent economy, accompanied by a cessation from extravagant speculations, can alone restore a proper one of trade, and relieve the embarrassments of the country. Without this, a multiplication of banks and bank paper will but increase the evil.

In relation to the applications which you may deem proper to grant, I would respectfully suggest the utmost caution in framing your charters, so that the public may be protected from the losses inevitably to be occasioned by a depreciated circulating medium. We have before us a striking instance of the consequences of incautious legislation on this subject. We see a railroad company, chartered for a special purpose, issuing evidences of debt in the shape of bank paper, contrary to the evident intent of the legislature, but by virtue of a charter negligently guarded. The effects of this legislation are, that the country may be flooded with a paper which carries with it no assurances of redemption at the will of the holder, and the tendency of which is to depreciate abroad the whole circulating medium of the state. I allude to the notes of the River Raisin and Lake Erie railroad company, and without any disposition to reflect on the high character and standing of its present directors, I leave it to the legislature, if they possess such a power, to take the subject in hand and provide a remedy for the evil. My objections are not to men ; they are directed against the powers and privileges assumed, and at present exercised by the company.

Whilst legislating on this subject, we must recollect that bank notes are not money, but merely its representative. Gold and sil-

ver are the basis of our currency, and when your bank notes are not convertible into this medium at the will of the holder, they must depreciate in value. Without the ability of the banks to redeem their notes at the pleasure of the holder, and the power with the state to compel it, or to stop their circulation, your circulating medium must be inevitably a bad one. No confidence in the ultimate solvency of the institution, will prevent the depreciation of its paper, where this ability with the bank power on the part of the state do not exist. It is not alone sufficient that the confidence in your banks should exist at home, it must exist abroad, and their paper must answer the purposes of exchanges with other states. Your merchant, in his commercial relations with New York, or elsewhere, must be enabled to use the paper of your state banks, or be able, if necessary, to convert it readily into the circulating medium of the state to which it is sent. Every guard should, therefore, be thrown around your bank charters, which may have a tendency to satisfy the public mind of the solvency of the institutions and of their ability to redeem their paper at the will of the holder.

Gold and silver being the basis of your currency, it is important to keep within the state, as far as may be practicable, an extensive metallic circulating medium. It is impossible, and perhaps not to be desired, that a metallic circulating medium should be altogether substituted for bank paper. The measure, however, should be at least partially carried into effect, so as to prevent a constant fluctuation in the value of bank notes, which are the representative of metallic currency, and which will rise and fall in value in proportion to the scarcity or abundance of the precious metals. With this consideration in view, I submit to you the policy of prohibiting the circulation of bank notes of a less denomination than five dollars. The tendency of such a measure would be to withdraw from the circulating medium of the country the small notes with which it is now cloyed, and substitute in their stead a substantial metallic currency, possessing an intrinsic value.

The recent pecuniary embarrassments of the country have produced strong reasons to doubt the wisdom and policy of our existing usury laws. The interference of the government between citizen and citizen, dictating the rate of interest at which one

shall lend and the other borrow money, can but be regarded as an unnecessary and needless restraint upon the freedom of trade. The rates of the money market, like all others, should be left to the regulation of the existing demand. As well might the government regulate and restrain the prices upon the produce of agriculture, or the labor of the mechanic, as the rate of interest upon the loans of the capitalist. Remove all needless restraints upon the freedom of trade, and the value of money, like the value of every other article connected with the commercial relations of the country, will sink to the level created by the demand or supplies of the market.

But what are the practical effects of your usury laws? You have but to look upon the passing events of the day to satisfy your minds that they are constantly and readily violated and avoided. The only consequence of their existence is, that they increase the demand for money and consequently the rate of interest, by the exclusion of foreign capital from the state; for no individual will send his capital where the rate of legal interest is limited, when he may invest it in loans to greater advantage elsewhere. Through such restraints, instead of protecting the citizen, you place him at the mercy of the usurer, by destroying the competition which would be created in the money market by the introduction of foreign capital. No political axiom is more sound, than that competition is the best and only true regulator of trade. I think then a limited investigation of the subject will satisfy you that the existing laws regulating the rate of interest upon individual contracts, are not only unnecessary but injurious to the public prosperity.

It again becomes my duty to call the attention of the legislature to the absolute importance of erecting without delay a penitentiary adequate to the necessities of society. This institution should be at once located; funds should be provided for the construction of the necessary buildings, and a superintendent should be appointed to take charge of the work. The system for its government should be carefully matured. The legitimate intention of the law in the restraint of personal liberty, is the reformation of the offender, and the salutary warning which his fate may afford to others.

To meet this object of the law is the great utility of a penitentiary system, under judicious and salutary regulations. Punishments should never be more severe than is necessary for the correction of the offences to which they are applied, and it is therefore important that different modes of treatment should be adopted for different grades of offences. The minor offender should be separate from those of a higher degree of guilt, for an indiscriminate intercourse between the prisoners, will not fail to reduce the whole in moral principle to the same standard with the most abandoned. Solitary confinement must be adopted with all who are convicted of offences of a grave and heinous character; every effort should be exerted to elevate the morals and principles of the convict; the ignorant amongst the younger class should be taught the rudiments of a common education, and all classes should be required to adopt some useful trade. By these means the philanthropic intentions of the law may possibly be carried into effect, and crime in a measure disarmed of its numerous allies in the unreformed offenders, who are annually discharged from our state prisons.

Complaints are frequently made of the difficulties attending the execution of criminal process, from the indisposition of ministerial officers to discharge those duties with the uncertain and limited compensation which is now provided by law. The duties of those officers in criminal cases, are of the most arduous character; and I would respectfully suggest such an amendment of the law, as will secure them a fair and adequate compensation for the services rendered.

Among the many objects entitled to your consideration, I submit the importance of ordering at as early a day as practicable a geological survey of the state. There can be no doubt that Michigan abounds in minerals of the richest quality, and it can only be through the means of geology, that this source of our wealth can be fully developed. As yet the situations in which are to be found our metallic ores, beds of coal, gypsum, granite, limestone and other valuable minerals, are in a great measure concealed. A geological survey will bring them to light. It will also afford the agriculturists a knowledge of their soils, and assist them in correcting those which possess an undue propor-

tion of mineral elements unfavorable to agriculture ; it will enable us to supply our own market with important articles of commerce and trade, and will in the end furnish us resources which must constitute an important part of the permanent wealth of the state. The unexpected and valuable results which have been obtained by other states from their recent geological surveys, when considered, will, I feel confident, secure to the subject that attention which its importance demands.

The third section of the fourth article of the constitution, makes it the duty of the legislature to provide for an enumeration of the inhabitants of the state during the present year ; and it further provides that after such enumeration, the legislature shall apportion anew the representatives and senators among the several counties and districts, according to the number of their white population. The necessary measures for this enumeration should be provided at your present session, so as to enable the proper officers to make their returns at an early day previous to an adjourned session, which must be held for the purpose of making the apportionment of representation, according to the provisions of the constitution.

The experience of each additional day urges the importance of a removal of the northwestern Indians to some quarter, where they will be no longer molested by the encroachments of the whites. The policy of the federal government has heretofore been to locate them in a district of country south of the Missouri, set apart for their uses, and secured to them upon the faith of the nation. The utmost exertions of the Indian department have not however been able to induce the tribes of our own immediate region to consent to an acceptance of this location. This unwillingness on their part to emigrate to a southern climate, seems to be the only obstacle to a negotiation, by which Michigan might be relieved from their occupancy of a valuable portion of her soil, and a negotiation likewise which in its results would effectually protect the rights of the Indians themselves, and preserve from extinction the comparatively small remnant of a people, which the hand of degeneracy has yet spared.

It is ascertained, however, that the entire removal of the tribes within our own limits, and in all probability those of Wisconsin,

might be easily secured, were they permitted to emigrate to a country of a more northern latitude than the one heretofore designated by the government as their future abode. With the object of their emigration in view, the district of country north of the Falls of St. Anthony has attracted the attention of the Indians, and it is believed that if the United States would permit this change in their destination, no obstacle would remain to obtaining their speedy removal. That northern region possesses many recommendations over the south, to the Indian of our latitude. The climate is more congenial to his habits and approaches in character more nearly to that which he is compelled to abandon. It is likewise no small consideration with him, that he will be placed as it were in the midst of kindred tribes, when compared with those who occupy the southern country. With the federal government itself, there are also considerations connected with this subject which should not be overlooked. The concentration at one point of the numerous Indian tribes that will undoubtedly be sooner or later removed from their present locations, is placing the frontiers of Arkansas and Missouri within the very grasp of a power where hostility to the whites must be constantly breaking forth. Their contiguity to each other, will enable them at any time and with a short notice to strike a fatal blow at the southwest, before the federal government can be prepared to resist it. With these views of the subject, I cannot hesitate to recommend that you memorialize the Congress of the United States at their present session, placing before them all the considerations which should induce an acquiescence in the prejudices and feelings of the northwestern Indians, by setting apart a district of country north of the Falls of St. Anthony, to which they may be readily removed.

I deem it my duty to call your attention to the necessity of a more efficient organization of the militia of the state. Our militia system, as it is now permitted to remain, is worse than valueless, and indeed is but a mockery upon the design of the framers of the law. Too little importance is generally attached to this branch of our state polity. The genius of our institutions will not permit a reliance upon the permanent existence of a large standing army. In the event of war, our government must look for the armor of

her defence in the ready action of a brave and disciplined militia. We cannot expect to be forever exempt from the perils and calamities of war. Our country has met them heretofore, and may experience them again, and the lessons of the early campaigns of our last struggle with Great Britain, teach us what sacrifices of blood and treasure the want of discipline in an army must cost us when brought into the active field.

The first essential feature in the improvement of your system must be to secure perfect discipline, and complete drills amongst officers. If your officers understand their duties, they can soon exert a favorable influence over their men. You must then by law require your commissioned and non-commissioned company officers to be frequently and thoroughly drilled; and for the purpose of securing their attention to this duty, pay them a fair compensation for the time thus withdrawn from their private pursuits. With this attention to the character and qualifications of the officers, you cannot fail soon to possess a well disciplined militia; without it, the attempt to an organization might as well be abandoned.

In conclusion, fellow citizens, permit me to invoke union and harmony in your councils. Let me entreat you to banish from your deliberations all party spirit and sectional feelings; and to exert your whole efforts for the honor and welfare of your constituents. Sensible as I am of the importance of despatch in the discharge of the multifarious duties committed to your charge, and satisfied of the inconveniences resulting from a prolonged session of the legislature, it only remains for me to assure you of the fidelity and alacrity with which I shall co-operate with you in the accomplishment of every measure conducive to the happiness and prosperity of the people of Michigan.

STEVENS T. MASON.

Detroit, January 2, 1837.

On motion of Mr Hough,

Ordered, That the message of the Governor just received, be committed to a committee of the whole, and that one thousand copies thereof be printed for the use of the Senate.

And the Senate, on motion of Mr. McDonell, then adjourned to 11 o'clock, A. M., to-morrow.

Tuesday, January 3, 1837.

The Senate met pursuant to adjournment.

On motion of Mr. McDonell,

Resolved, That the rules and orders of the Senate of last year, be continued as the rules and orders of the present Senate, until otherwise directed.

On motion of Mr. Hough,

Resolved, (if the House of Representatives concur herein,) That the joint rules of the Senate and House of Representatives for the year 1836, be adopted as the joint rules of both houses for 1837.

The general orders of the day being in order, the committee of the whole, on motion of Mr. McDonell, was discharged from the further consideration of the Governor's message.

A message was received from the Executive, by his private secretary, Calvin C. Jackson, as follows :

To the Senate :

I herewith transmit for your consideration, the following documents :

A communication from the president of the Detroit and St. Joseph railroad company.

A communication from the St. Clair and Romeo railroad company.

A communication from the Chief Justice of the state.

The annual report of the Auditor General.

The annual report of the Treasurer of the state.

STEVENS T. MASON.

Detroit, January 2, 1837.

The communication from the president of the Detroit and St. Joseph railroad company, having been read, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

(*See Senate Document No. 1.*)

The communication from the St. Clair and Romeo railroad company having been read, was also laid upon the table and ordered to be printed.

(*See Senate Document No. 2.*)

The communication from the Chief Justice of the state, having

been read, was thereupon, also, laid upon the table and ordered to be printed.

(*See Senate Document No. 3.*)

The annual report of the Auditor General and Treasurer, were, on motion of Mr. McDonell, laid on the table, without being read, and ordered to be printed.

(*See Senate Documents Nos. 4, 5.*)

The resolution yesterday offered by Mr. Comstock, together with the amendment proposed by Mr. Barry, and which had been laid on the table, having been taken up, Mr. Ellis moved to amend the amendment by striking out "one enrolling and engrossing clerk, and one recording clerk," and inserting "two assistant secretaries," which was agreed to.

Mr. Davis moved further to amend, by adding "one messenger," which being lost, the resolution as amended, was adopted in the words following :

Resolved, That the Senate do now proceed to the election of a secretary, two assistant secretaries, one sergeant-at-arms, and one door-keeper.

The Senate, on motion of Mr. Hough, then took a recess of fifteen minutes.

When the Senate again convened,

Mr. Hough nominated John J. Adam, of the second senatorial district, for the office of secretary of the Senate, which was unanimously concurred in by the Senate.

Mr. Barry nominated Digby V. Bell, and Charles A. Morton, from the third district, as assistant secretaries of the Senate, which nominations were also unanimously concurred in by the Senate.

Mr. Rumsey nominated Benjamin Hobert, from the fourth district, as door-keeper, which was unanimously agreed to.

Mr. Manning nominated William Terry, from the fifth district, as sergeant-at-arms, which nomination was also unanimously agreed to by the Senate.

And the Senate, on motion of Mr. Barry, then adjourned to 10 o'clock, A. M., to-morrow.

Wednesday, January 4, 1837.

The Senate met pursuant to adjournment.

Mr. Hough submitted a resolution relative to referring certain parts of the Governor's message to different standing and select committees, and moved that the same be committed to committee of the whole, together with the Governor's message, which was lost; whereupon, Mr. Clark moved to lay the resolution on the table, which was lost; and Mr. McDonell moved a reconsideration of the vote on committing the resolution, together with the Governor's message, to committee of the whole, which was agreed to, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Ten Eyck,	
Mr. Ellis,	Mr. Moore,		8

NAYS.

Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McKey,	Mr. Summers,	6

And the said resolution, together with the Governor's message, was thereupon committed to committee of the whole.

The President announced the following standing committees of the Senate:

Judiciary—Messrs. Barry, Manning and Comstock.

Finance—Messrs. McDonell, Britain and Hough.

Claims—Messrs. Summers, Clark and Ten Eyck.

Militia—Messrs. Davis, Cooper and Barry.

Internal Improvements—Messrs. Britain, Rumsey and Raynale.

Literature—Messrs. Comstock, Manning and Cooper.

Incorporations—Messrs. Raynale, Moore and McKey.

Expenditures—Messrs. Cooper, McDonell and Ellis.

Enrolled Bills—Messrs. Ellis, Barry and Rumsey.

Roads and Bridges—Messrs. Hough, Ten Eyck and Clark.

State Prison—Messrs. Clark, Cooper and Hough.

Towns and Counties—Messrs. McKey, Moore and McDonell.

Indian Affairs—Messrs. Ten Eyck, Hough and Summers.

Agriculture—Messrs. Moore, Rumsey and Raynale.

Expiring Laws—Messrs. Manning, Barry and Comstock.

Manufactures—Messrs. Rumsey, Davis and Britain.

Elections—Messrs. McDonell, Ellis and Comstock.

State Affairs—Messrs. Manning, Britain and Moore.

Printing—Messrs. Ellis, Ten Eyck and Hough.

On motion of Mr. McDonell,

Resolved, That a committee be appointed on the part of the Senate to confer with such committee as may be appointed on the part of the House of Representatives, to ascertain and report as to what manner the printing shall be done for both houses of the legislature.

And Messrs. McDonell and Ellis were appointed the committee on the part of the Senate.

A message was received from the House of Representatives, through their clerk, informing the Senate of the concurrence of the House of Representatives in the resolution from the Senate relative to the adoption of the joint rules of both houses of last year, as the joint rules for the present year.

The Senate, on motion of Mr. Hough, then went into committee of the whole, Mr. Barry in the chair, on the resolution relative to referring certain parts of the Governor's message, together with said message ; and after some time spent thereon, the committee rose, and through their chairman, reported the same back with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

And the two first branches of said resolution were then adopted by the Senate, being as follows :

Resolved, That so much of the Governor's message as relates to the subject of finance, be referred to the committee on finance.

So much thereof as relates to our proportion of the surplus revenue, be referred to the committee on finance.

The third and fourth branches of the resolution, having been severally amended, on motion of Mr. Rumsey, by striking out "rail and other" before "roads," in the third, and inserting the word "railroads" before "canals," in the fourth, were adopted as follows :

So much thereof as relates to roads, be referred to the committee on roads and bridges.

So much thereof as relates to railroads, canals and other inter-

nal improvements, be referred to the committee on internal improvements.

The several succeeding branches of said resolution, with the exception of the last, were adopted by the Senate, as follows :

So much thereof as relates to the system of public instruction, a university, university and common school lands, be referred to the committee on literature.

So much thereof as relates to revision of the laws of this state, be referred to the committee on the judiciary.

So much thereof as relates to the incorporation of banks, be referred to the committee on incorporations.

So much thereof as relates to a penitentiary, be referred to the committee on state prisons.

So much thereof as relates to the execution of criminal process, be referred to the committee on the judiciary.

So much thereof as relates to a geological survey of the state, be referred to the committee on state affairs.

So much thereof as relates to the enumeration of the inhabitants of the state, be referred to the committee on state affairs.

So much thereof as relates to Indians, be referred to the committee on Indian affairs.

So much thereof as relates to the efficient organization of the militia of the state, be referred to the committee on the militia.

So much thereof as relates to usury, be referred to the committee on the judiciary.

So much thereof as relates to the abolishing of imprisonment for debt, be referred to a select committee.

The question being on the adoption of the last branch of the resolution, Mr. Ellis moved to strike out "have power to send for persons and papers," and insert "be clothed with powers to investigate the affairs of said company," which was adopted by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Cooper,
Mr. Davis,
Mr. Ellis,

Mr. Manning.
Mr. McDonell,
Mr. McKey,
Mr. Moore,

Mr. Rumsey,
Mr. Summers,
Mr. Ten Eyck,

11

NAYS.

Mr. Clark,

Mr. Hough,

Mr. Raynale,

3

And the last branch of the resolution was then adopted as follows :

"And so much thereof as relates to the River Raisin and Lake Erie railroad company, be referred to a select committee of three members, and that they be clothed with powers to investigate the affairs of said company."

The President announced the following select committees in pursuance of the two last branches of the resolution just adopted, viz :

On so much of the Governor's message as relates to abolishing imprisonment for debt, Messrs. Hough, Clark and Cooper.

On so much of the Governor's message as relates to the River Raisin and Lake Erie railroad company, Messrs. Manning, Barry and Moore.

Mr. McKey submitted the following resolution, which, on motion of Mr. Manning, was laid on the table for one day :

Resolved, That the President invite the present clergy of this city, one alternately from each denomination, to open the daily proceedings of the house with prayer.

A message was received from the House of Representatives, through their clerk, informing the Senate of the concurrence of the House in the resolution relative to the printing of both houses, and that Messrs. Ward and Bingham had been appointed the committee on the part of the House of Representatives.

On motion of Mr. Raynale,

Resolved, That the President of the Senate be authorized to employ a reporter to the Senate.

Mr. Barry moved that the Senate do now adjourn till 10 o'clock, A. M., to-morrow ; Mr. McDonell moved to amend by substituting " 11 o'clock," instead of " 10 o'clock," which motion prevailed.

And the Senate adjourned to 11 o'clock, A. M., to-morrow.

Thursday, January 5, 1837.

The Senate met pursuant to adjournment.

Mr. Comstock presented the petition of inhabitants of Kent county, for the incorporation of a bank at the rapids of Grand river. Referred to the committee on incorporations.

Mr. Barry presented the petition of citizens of Bucks township, in St. Joseph county, for the organization of town six south, of range twelve west, into a separate township, to be called Marion. Referred to the committee on towns and counties.

Mr. McDonell, from the joint committee on the printing for both houses of the legislature, made a report thereon, which, on motion of Mr. Britain, was laid on the table for one day.

(See Senate Document No. 6.)

Mr. Ellis gave notice that, on a future day, he should ask leave to bring in

A bill to incorporate the city of Monroe ;

A bill to provide for the regulation of banking associations, under certain restrictions ;

A bill to regulate the construction of mill-dams across the navigable streams of this state.

Mr. Hough gave notice that he would, on some future day, ask leave to bring in a bill to change the time of the annual meeting of the legislature from the first Monday to the first Tuesday in January.

Mr. Britain gave notice that on some future day he should ask leave to bring in

A bill to provide for the incorporation of towns and counties ;

A bill to provide for the incorporation of cities and villages.

The resolution laid on the table on the 2d instant, by Mr. Hough, having been taken up, was adopted without amendment, being as follows :

Resolved, That the secretary cause to be procured for the use of the Senate, the constitutions of the United States and the state of Michigan ; the articles of confederation ; the order of business in the Senate and House of Representatives ; the joint rules and orders, and the rules and orders of the Senate and House of Representatives ; an alphabetical list of the members of both

houses, with their places of residence, and a list of senators arranged according to their districts; a list of members of the House of Representatives by counties; a list of the officers of both houses; the standing committees of both houses; the select committees of both houses on the Governor's message; a list of the state or salary officers, and their respective salaries; a list of the banks and insurance companies in the state, with the amount of their capital and the time when their charters expire; a list of the railroad companies in the state, with the amount of their capital, and the time they were incorporated; the act requiring the publication of notices in certain cases; copies of a map of the state of Michigan; and a calendar for the year 1837; and to have the same bound in a pocket volume, and deliver a copy thereof to each of the senators and officers of this House.

On motion of Mr. Davis,

Resolved, That the President of the Senate be authorized to appoint a messenger during the present session.

On motion of Mr. Comstock,

The vote on the resolution relative to authorizing the President to employ a reporter to the Senate, was reconsidered; and the resolution, on motion of Mr. Comstock, was thereupon laid on the table.

Mr. Davis gave notice that he would, on some future day, ask leave to bring in a bill to incorporate the Wayne county bank, at Plymouth.

Mr. Barry submitted the following resolution, which, a motion by Mr. Ellis to amend by substituting "eleven" for "ten," having been lost, was adopted as follows:

Resolved, That the daily sessions of the Senate commence at 10 o'clock, A. M., until otherwise ordered.

The President announced the report from the Superintendent of Public Instruction, which, on motion of Mr. Hough, was laid on the table, and ordered to be printed.

(See Senate Document No. 7.)

And the Senate, on motion of Mr. Davis, then adjourned.

Friday, January 6, 1837.

The Senate met pursuant to adjournment.

Mr. Manning presented the petition of inhabitants of township seven and eight north, of range eight east, in Lapeer county, for the organization of a new township, to be called Richfield. Referred to the committee on towns and counties.

Mr. Rumsey presented the petition of C. Thayer, for a state road from Dexter to Grand river. Referred to the committee on roads and bridges.

Mr. Britain gave notice that, on some future day, he would ask leave to bring in a bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal.

Mr. Manning gave notice that, at a future day, he would ask for leave to bring in a bill to amend an act entitled "An act to incorporate the Oakland county bank."

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the organization of towns and counties; and Messrs. Britain, Raynale and Barry were appointed a committee to bring in said bill.

Mr. Britain, in pursuance of previous notice, also asked and obtained leave to bring in a bill to provide for the incorporation of cities and villages; and Messrs. Britain, Ellis and McDonell were appointed the committee to bring in said bill.

Mr. Hough, in pursuance of previous notice, asked and obtained leave to bring in a bill to change the day of the annual meeting of the legislature; and Messrs. Hough, McDonell and Rumsey were appointed a committee to bring in said bill.

Mr. Moore gave notice that on a future day he should ask leave to bring in a bill to lay out a state road from Ypsilanti, in the county of Washtenaw, to Adrian, in the county of Lenawee.

Mr. Clark gave notice that on a future day he would ask leave to bring in a bill to amend the charter of the St. Clair bank.

On motion of Mr. McDonell, the report of the joint committee on the printing of both houses of the legislature, which was laid on the table yesterday, was taken up for consideration.

The question being on the resolution accompanying the report, Mr. Ellis moved to amend said resolution by adding as follows : "except so far as relates to the daily printing of the journal for the use of members," which motion did not prevail ; and the resolution as originally offered, was thereupon adopted, being in the words following :

Resolved, That the Senate accept the terms proposed by Mr. Bagg.

On motion of Mr. Barry,

Resolved, That the secretary procure copies of the documents communicated in a message from the Executive on the 3d instant, and which were destroyed by the conflagration of the office of the printer to the Senate, the following morning.

A message was received from the House of Representatives, through their clerk, as follows :

Mr. PRESIDENT—I am instructed by the House of Representatives, to inform the Senate of the passage of the joint resolution to provide for the appointment of a fiscal agent, and to ask their concurrence therein.

Said resolution from the House of Representatives, was thereupon read a first time, and by consent of three-fourths a second and third time, and concurred in by the Senate, being in the words following :

Resolved by the Senate and House of Representatives, That John Norton, Jr., cashier of the Michigan state bank, be, and he is hereby, appointed fiscal agent to this legislature.

A message was received from the Governor, through his private secretary, as follows :

To the Senate :

I hereby transmit the report of the commissioners appointed to review the location of the seat of justice for the county of Branch.

STEVENS T. MASON.

January 6, 1837.

The accompanying report having been read, was, on motion of Mr. Barry, referred to the committee on towns and counties.

(See Senate Document No. 8.)

On motion of Mr. McDonell, the resolution on the table relative to a reporter to the Senate, having been taken up, Mr. Comstock moved to amend by substituting the following :

Resolved, That the Senate proceed to elect a reporter to the Senate.

Which substitute was agreed to, and the resolution, so amended, was adopted.

Mr. McDonell thereupon nominated Joseph Coats, as reporter to the Senate, which nomination was unanimously concurred in by the Senate.

Mr. Ellis submitted the following resolution :

Resolved, That the reporter to the Senate be required to keep a copy of his reports in a book to be kept for that purpose, and that he be required to allow the publishers of the newspapers of this state to take copies thereof, if requested by such publishers.

Mr. McDonell moved to amend by striking out all after the word "Resolved," and inserting as follows :

"That the reporter shall publish the reports in accordance with such directions as may be given him by the committee on printing."

Which amendment being lost, the original resolution was thereupon adopted.

And the Senate, on motion of Mr. Clark, then adjourned.

Saturday, January 7, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent Mr. Rumsey.

On motion of Mr. Cooper, leave of absence was granted to Mr. Rumsey until Tuesday.

Mr. Davis presented the petition of the citizens of Ottawa, Kent, Ionia, Clinton, Shiawassee, Livingston, Oakland and Wayne counties, relative to a canal or railroad from Detroit to the mouth of Grand river. Read and referred to the committee on internal improvements.

Mr. McKey presented the petition of David Gilbert, a minor, and the parents of said minor, of the township of Palmyra, in Le-

nawee county, for authority to said minor to convey by deed a certain lot of land. Read and referred to the committee on the judiciary.

Mr. Hough, from the select committee appointed for that purpose, brought in a bill entitled "A bill to change the time of the annual meeting of the legislature," which bill was thereupon read a first time, and by consent of three-fourths, a second time, and committed to the committee of the whole.

Mr. Manning, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act entitled "An act to incorporate the Oakland county bank," and Messrs. Manning, Moore and Clark were appointed a committee to bring in said bill.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal; and Messrs. Britain, Raynale and McDonnell were appointed the committee to bring in said bill.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the regulation of banking associations, under certain restrictions; and Messrs. Ellis, Britain and Barry were appointed a committee to bring in said bill.

Mr. Moore, in pursuance of previous notice, asked and obtained leave to bring in a bill to lay out a state road from Ypsilanti, in the county of Washtenaw, to Adrian, in the county of Lenawee; and Messrs. Moore, Cooper and Davis were appointed a committee to bring in said bill.

Mr. Comstock gave notice that he would ask leave, on some future day to bring in a bill to incorporate a railroad company to construct a railroad, leading from the city of Detroit to some point on the Grand river, at or near the mouth of the Maple river, with a capital of one million of dollars.

The Senate then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled "A bill to change the time of the annual meeting of the legislature;" and after some time spent thereon, the committee rose, and through their chairman, reported the same back to the Senate without amendment.

On motion of Mr. Ellis, the word "change" in the title was al-

tered to "fix;" and the bill was thereupon ordered to be engrossed for a third reading, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,		8

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	6

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for regulating the construction of mill dams across the navigable streams of this state; and Messrs. Ellis, Barry and Manning were appointed a committee to bring in said bill.

Mr. Britain gave notice that, on a future day, he would ask leave to bring in a bill to extend the Detroit and St. Joseph railroad through New Buffalo to the northern boundary of Indiana.

And the Senate, on motion of Mr. Comstock, then adjourned.

Monday, January 9, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Comstock, Davis and Summers; absent on leave, Mr. Rumsey.

Mr. Hough, from the committee on roads and bridges, to whom had been referred the petition of C. Thayer and others, for a state road from Dexter to Grand river, brought in a bill entitled "A bill to provide for laying out a certain state road," which bill was thereupon read a first time, and by consent of three-fourths a second time, and on motion of Mr. Hough, committed to committee of the whole.

Mr. McDonell laid the following resolution on the table:

Resolved, That the secretary of the Senate furnish the fiscal agent with a list of the names of the members of the Senate, and the number of miles from their respective places of residence to the seat of government; and also a list of the names of the officers of the Senate, and the per diem allowance to every such officer.

A message was received from the House of Representatives, through their clerk, as follows :

Mr. PRESIDENT—I am instructed by the House of Representatives to transmit to the Senate, a bill entitled “ A bill to amend the several acts relative to the supreme court, circuit court, and court of chancery ;” also, certain resolutions relative to the investigation of bank incorporations, which have passed that body, and in which they ask the concurrence of the Senate.

Said resolution from the House of Representatives, were thereupon read a first time, and by the consent of three-fourths a second time, and on motion of Mr. Ellis, committed to the committee on incorporations.

The above bill from the House of Representatives, was thereupon also read a first and second time, and, on motion of Mr. Ellis, committed to the committee on the judiciary.

The engrossed bill entitled “ A bill to fix the time of the annual meeting of the legislature,” was read a third time, and the question being on the final passage of the bill, Mr. Barry moved a call of the Senate, which being sustained, there were absent, Messrs. Britain, Clarke, Comstock, Davis and Summers ; absent on leave Mr. Rumsey.

And the Senate, on motion of Mr. McDonell, thereupon adjourned.

Tuesday, January 10, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent Messrs. Ellis, Rumsey.

On motion of Mr. Hough, leave of absence was granted to Mr. Ellis for to-day.

Mr. Ten Eyck, from the committee on Indian affairs, to whom had been referred so much of the Governor's message as related to Indian affairs, reported a memorial to the congress of the United States ; which being read, was, on motion of Mr. Hough, laid on the table and ordered to be printed.

(See Senate Document No. 9.)

Mr. Reynolds, from the committee on incorporations, to whom was referred the joint resolutions passed by the House, appointing a joint committee from the Senate and House of Representatives to inquire into the affairs of the Bank of Monroe, and others, reported the same back to the Senate without amendment, recommending the immediate passage of the resolutions.

And said resolutions were thereupon ordered to a third reading, and read a third time, and concurred in by the Senate, being in the words following :

Resolved by the Senate and House of Representatives of the State of Michigan, That a committee of five members of the legislature, two from the Senate and three from the House of Representatives, be appointed to examine into the doings of the president, directors and company of the Bank of Monroe, and inquire into the affairs of said corporation, and to report to the legislature the true condition of said bank, with all convenient speed.

And the said committee be further authorized and directed to, inquire into the condition of the several banking institutions of this state, and ascertain whether there has been a violation of their charters by all or either of said banks, in any respect whatever.

Resolved, That the said committee shall have power to examine the books, papers and vaults of said corporations ; and to examine under oath or affirmation, the officers, directors and clerks of said banks, relative to the affairs and management of the same.

And also to send for and examine such other person or persons as the committee shall think proper, for a full investigation of the affairs of said corporations.

And Messrs. Manning and Ellis were appointed the committee on the part of the Senate.

A message was received from the Executive, through his private secretary, Calvin C. Jackson, announcing his approval of the joint resolution relative to the appointment of a fiscal agent.

The President announced a communication from the state Treasurer, in relation to providing sets of weights and measures for the several counties of the state ; which being read, was, on motion of Mr. Hough, committed to the committee on state affairs.

(See Senate Document No. 10.)

Mr. McDonell laid the following resolution on the table :

Resolved, That the committee on finance be instructed to prepare a bill providing for the election of three county commissioners in each of the organized counties, and defining their duties, giving to them the powers and duties now performed by supervisors ; also, a bill providing for the election of county collectors, and defining their duties.

On motion of Mr. Hough,

The vote on laying on the table and ordering to be printed, the memorial to the congress of the United States, reported this morning by the committee on Indian affairs, was reconsidered ; and the memorial, on motion of Mr. Hough, was thereupon adopted by the Senate.

Mr. Comstock gave notice that he would ask leave, on some future day, to bring in a bill to authorize Nathaniel Odell to convey certain lands ; also, a bill to abolish the office of the city register, in and for the city of Detroit.

Mr. McKey gave notice that he would, on some future day, ask leave to bring in a bill to amend an act entitled "An act to regulate highways."

Mr. Davis gave notice that he should, on some future day, ask leave to bring in a bill to organize the militia of this state.

Mr. Britain gave notice that, on some future day, he should ask leave to bring in a bill to incorporate the Brest and Grand river railroad company.

The unfinished business of the day, being the question on the final passage of the bill entitled "A bill to fix the time of the annual meeting of the legislature," being in order, the bill, on motion of Mr. Hough, was laid on the table.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to amend the several acts relative to the supreme court, circuit court, and court of chancery," reported the same back with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

And the bill, on motion of Mr. Barry, was laid on the table.

A message was received from the Executive, through his private secretary, on executive business.

The Senate then resolved itself into committee of the whole, Mr. Clark in the chair, on the bill entitled "A bill to provide for laying out a certain state road ;" and after spending some time thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The resolution yesterday laid on the table by Mr. McDonell, having been taken up, was, on motion of Mr. McDonell, adopted.

The Senate, on motion of Mr. Hough, then went into the consideration of executive business.

When the doors were opened, the Senate adjourned.

Wednesday, January 11, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Rumsey.

Mr. McDonell presented the petition of citizens of Detroit, for certain amendments to the city charter of said city. Read and referred to the committee on incorporations.

Mr. Ten Eyck presented the petition of S. Van Nest and others, of Dundee, Monroe county, for the incorporation of a bank at Dundee. Read and referred to the committee on incorporations.

Mr. Summers presented the petition of the proprietors of the Michigan glass factory at Mt. Clemens, to exempt the workmen in said factory from militia duty and serving on juries. Read and referred to the committee on the militia.

Mr. Cooper presented the petition of E. Woodworth and others, of Ingham county, for the organization of that part of said county lying west of the meridian, into a separate township, by the name of Aurelius. Referred to the committee on towns and counties.

Mr. Barry, from the committee on the judiciary, to whom had been referred the petition of David Gilbert, a minor, and the parents of said minor, for authority to said minor to convey certain land, brought in a bill entitled "A bill to authorize David Gilbert, a minor, to sell certain land therein described ;" which bill was

thereupon read a first time, and by consent of three-fourths a second time, and ordered to be engrossed for a third reading.

Mr. McKey, from the committee on towns and counties, to whom had been referred certain petitions for the organization of certain new townships, brought in a bill entitled "A bill to organize certain townships;" which bill was thereupon read a first time, and by consent of three-fourths a second time, and on motion of Mr. Hough, committed to committee of the whole.

Mr. Barry, from the judiciary committee, to whom was referred so much of the Governor's message as relates to a revision of the laws, and also a communication of the Hon. William A. Fletcher, on the same subject, reported the following resolution:

Resolved by the Senate and House of Representatives, That the Hon. William A. Fletcher, appointed by an act entitled "An act for preparing, digesting and arranging a code of laws," approved March 8, 1836, a commissioner to prepare, digest and arrange a code of laws for the government of the people of this state, have further time to prepare said code, until the first Monday of January, 1838, on which day he shall report the result of his labors to the legislature, in accordance with the provisions of said act.

Said resolution having been read a first time, was, on motion of Mr. McDonell, laid on the table.

Mr. Manning, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to incorporate the Oakland county bank;'" which bill having been read a first and second time, was committed to the committee on incorporations.

A message was received from the House of Representatives, through their clerk, informing the Senate that Messrs. Wing, Convis and Ward had been appointed the committee on the part of the House, in pursuance of the joint resolution relative to an investigation of certain banks.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Brest and Grand river railroad company; and Messrs. Britain, Comstock and McDonell, were appointed a committee to bring in said bill.

Mr. Hough laid the following resolutions on the table :

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in the Congress of the United States be, and they are hereby, instructed to vote for the expunging resolutions introduced by the Hon. Thomas H. Benton into the Senate of the United States, at their present and last sessions.

Resolved, That the Secretary of State be, and he is hereby, directed to transmit to each of our senators in Congress a copy of the foregoing resolution.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to extend the Detroit and St. Joseph railroad through New Buffalo to the northern boundary of Indiana ; and Messrs. Britain, Hough and Barry were appointed a committee to bring in said bill.

Mr. McKey, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act entitled "An act to regulate highways ;" and Messrs. McKey, Clark and Moore were appointed a committee to bring in said bill.

The general orders of the day being in order, and the question being put, "Will the Senate now resolve itself into committee of the whole on the bill entitled 'A bill to provide for laying out a certain state road,' " was decided in the negative.

Mr. Clark presented the petition of J. W. White and others, for laying off certain new counties, north of St. Clair and Lapeer counties, and east of Saginaw county. Read and referred to the committee on towns and counties.

Mr. Comstock laid the following resolution on the table :

Resolved, That the committee on incorporations be requested to inquire into the expediency of repealing an act entitled "An act to restrain unincorporated banking institutions," approved April 12, 1827, and to report by bill or otherwise.

Mr. Ellis laid the following resolution on the table :

Resolved, That the committee on incorporations be instructed to inquire into the expediency of providing by law for a uniform and equal system for the regulation of banking associations ; and that they be instructed to report by bill or otherwise.

And the Senate, on motion of Mr. Hough, thereupon adjourned.

Thursday, January 12, 1837.

The Senate met pursuant to adjournment.

Mr. McDonell presented the petition of sundry citizens of Detroit, for certain amendments of the city charter ; and on motion of Mr. McDonell, so much thereof as relates to the election of city register, was referred to the committee on elections, and the residue of said petition to the committee on incorporations.

Mr. Ellis presented petitions of inhabitants of Havre, and of other inhabitants of Monroe county, for the incorporation of a Commercial bank at Havre. Referred to the committee on incorporations.

Mr. Manning presented the petition of R. Le Roy and others, for a state road leading from Genesee county seat to Ann Arbor. Referred to the committee on roads and bridges.

Mr. McDonell, from the committee on elections, brought in a bill entitled " A bill to amend the several acts concerning deeds and conveyances of land," which bill, having been read a first time, and by consent of three-fourths a second time, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled " A bill to regulate the construction of mill-dams across the navigable rivers and streams of this state," which bill was thereupon read a first and second time, and laid on the table and ordered to be printed.

Mr. Moore, from the select committee appointed for that purpose, brought in a bill entitled " A bill to lay out and establish a state road from Ypsilanti to Adrian," which bill, having been read a first and second time, was, on motion of Mr. Moore, committed to committee of the whole, and made the special order of the day for the second Monday in February.

Mr. Clark gave notice that he should, on some future day, ask leave to bring in a bill to extend the St. Clair and Romeo railroad company to the county seat of Lapeer and to the head waters of lake navigation on Grand river ; also, to bring in a bill to incorporate the Black river and Lapeer railroad company, with liberty to connect with the St. Clair and Romeo railroad company to Grand river.

Mr. Barry gave notice that, at some future day, he should move to amend so much of the rules of the Senate, as requires the first and second readings of bills to be on different days.

Mr. Ellis gave notice that, on a future day, he would ask leave to bring in a bill to provide for the collection of demands against boats and vessels.

Mr. Barry gave notice that, on a future day, he would ask leave to introduce a bill to regulate dower.

On motion of Mr. Hough,

Resolved, That the committee on literature be instructed to inquire into the ability of the state, and the propriety of the passage of an act at the present session of the legislature, for the establishing of libraries in the several towns or school districts in the state, and that they report by bill or otherwise.

On motion of Mr. Davis,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law for the appointment of a board of commissioners of excise, in each of the organized towns within the state, and to report by bill or otherwise.

Mr. Comstock gave notice that he would ask leave, on a future day, to bring in a bill for the purpose of improving the navigation of the Kalamazoo river.

The engrossed bill entitled "A bill to authorize David Gilbert, a minor, to sell certain land therein described," was read a third time and passed.

The general orders of the day being in order, the bill committed to the committee of the whole, entitled "A bill to provide for laying out a certain state road," on motion of Mr. McDonell, was made the special order of the day for the second Monday of February.

The committee of the whole, on motion of Mr. Barry, was discharged from the further consideration of the bill entitled "A bill to organize certain townships," and said bill was recommitted to the committee of the whole, and made the special order of the day for the first Monday of February.

The bill entitled "A bill to fix the time of the annual meeting of the legislature," on motion of Mr. Clark, having been taken

up, and the question being on the final passage of the bill, was decided in the affirmative by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	
Mr. Ellis,	Mr. McKey,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Raynale,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Clark,			7

The resolution yesterday laid on the table by Mr. Comstock, relative to the repeal of an act to restrain unincorporated banking institutions, was, on motion of Mr. Comstock, taken up, and adopted.

The resolution yesterday laid on the table by Mr. Ellis, relative to an uniform and equal system of regulations for banking associations, was, on motion of Mr. Ellis, taken up and adopted.

The resolution previously laid on the table by Mr. McKey, relative to inviting the clergy of this city to open the daily sessions of the Senate with prayer, was, on motion of Mr. McKey, taken up and considered ; and the question on the adoption of the resolution was decided in the negative by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. McDonell,	Mr. Moore,	
Mr. Ellis,	Mr. McKey,	Mr. Ten Eyck,	6

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Raynale,	
Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,			10

A message was received from the Executive, through his private secretary, on executive business.

Mr. Comstock presented two petitions, one of citizens of Niles, and another of citizens of Cass county, for a bank at Niles. Referred to the committee on incorporations.

And the Senate, on motion of Mr. Barry, then went into the consideration of executive business.

When the doors were opened,

Mr. Davis asked and obtained leave of absence, for to-morrow and next day.

And the Senate, on motion of Mr. Clark, then adjourned.

Friday, January 13, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Davis.

Mr. Manning presented a petition of inhabitants of surveyed township number four north, range seven east, for a new township, to be called York. Referred to the committee on towns and counties.

Mr. McDonell presented the petition of citizens of Detroit and others, for a state bank, with a capital of one million, to be located in the city of Detroit. Read and referred to the committee on incorporations.

Mr. Ellis presented the petition of sundry inhabitants of Monroe, for a city charter. Referred to the select committee appointed to bring in a bill to provide for the incorporation of cities and villages.

Mr. Manning laid before the Senate the proceedings of a meeting of citizens of Genesee county, relative to the establishment of a bank at Flint river. Read and referred to the committee on incorporations.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Brest and Grand river railroad company," which bill having been read a first and second time, was, on motion of Mr. Britain, laid on the table and ordered to be printed.

Mr. Barry, from the judiciary committee, to whom had been referred so much of the Governor's message as related to usury, brought in a bill entitled "A bill relating to interest," which bill having been read a first and second time, was, on motion of Mr. Barry, laid on the table and ordered to be printed.

A message was received from the House of Representatives, through their clerk, as follows :

Mr. PRESIDENT—I am instructed by the House of Representatives to transmit to the Senate a bill entitled “A bill to authorize Morris S. Hutchins and others to convey certain lands;” also, a bill entitled “A bill to authorize the administrator on the estate of Israel Owen, late of the county of Monroe and state of Michigan, deceased, to make and execute a deed of certain lands,” both of which have passed that body, and in which they respectfully ask the concurrence of the Senate.

I am also instructed to return to the Senate, without amendment, a memorial to the Congress of the United States, in relation to Indians living within the limits of the state of Michigan, in which the House have concurred without amendment.

The bill from the House of Representatives, entitled “A bill to authorize the administrator on the estate of Israel Owen, late of the county of Monroe and state of Michigan, deceased, to make and execute a deed of certain real estate,” was thereupon read a first and second times, and on motion of Mr. Ellis, referred to the committee on the judiciary.

The bill from the House of Representatives, entitled “A bill to authorize Morris S. Hutchins and others to convey certain lands,” was also read a first and second times, and on motion of Mr. Ellis, referred to the committee on the judiciary.

Mr. Britain gave notice that, on a future day, he would ask leave to bring in a bill to provide for the election of senators to the Congress of the United States.

Mr. Barry, in pursuance of previous notice, asked and obtained leave to bring in a bill to regulate dower; and Messrs. Barry, Rumsey and Raynale were appointed a committee to bring in said bill.

Mr. Barry, in pursuance of previous notice, moved to amend the eleventh rule of the Senate by striking out, lines three and four, the words “which readings shall be on three,” and inserting “and the second and third readings shall be on,” which amendment was adopted, and the rule thereupon declared so amended.

Mr. Barry, from the select committee appointed for that purpose, brought in a bill entitled “A bill regulating dower;” which bill having been read a first and second times, was, on motion of Mr. Barry, laid on the table and ordered to be printed.

The Senate, on motion of Mr. Barry, took up the resolution on the table, relative to extending the time for the revision of the laws, which resolution was thereupon read a second time, and on motion of Mr. Hough, committed to the committee of the whole.

And the Senate thereupon resolved itself into committee of the whole, Mr. Comstock in the chair, on said resolution; and after some time spent thereon, the committee rose and through their chairman reported progress, and asked and obtained leave to sit again.

A message was received from the Executive, through his private secretary, on executive business.

Mr. Clark presented the petition of the supervisors of St. Clair county, for the legalization of the assessment roll of the township of Cottrelville for 1836. Read and referred to the committee on the judiciary.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the collection of demands against boats and vessels; and Messrs. Ellis, McDonell and Britain were appointed a committee to bring in said bill.

And the Senate, on motion of Mr. Moore, then adjourned.

Saturday, January 14, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Davis.

Mr. McDonell presented the petition of Nathan B. Carpenter, inspector of provisions, for an amendment of the inspection laws. Referred to the committee on state affairs.

Mr. McKey presented the petition of sundry citizens of Lenawee county, for an increase of the commutation money for highway taxes. Referred to the select committee appointed to bring in a bill to amend the act to regulate highways.

Mr. Rumsey presented the petition of E. W. Morgan and others, for the incorporation of the Mutual insurance company of Washenaw. Referred to the committee on incorporations.

Mr. Manning, from the select committee on so much of the Governor's message as related to the River Raisin and Lake Erie railroad company, made a report thereon, accompanied with a

communication from the president of said company ; which report and documents having been read, were, on motion of Mr. Ellis, laid on the table and ordered to be printed.

(See Senate Document No. 11.)

Mr. Raynale, from the committee on incorporations, to whom had been referred sundry petitions for a bank at Niles, brought in a bill entitled "A bill to incorporate the stockholders of the bank of Niles, in the county of Berrien ;" which bill was thereupon read a first and second times, and on motion of Mr. Comstock, laid on the table and ordered to be printed.

Mr. Raynale, from the committee on incorporations, to whom was referred a petition of sundry citizens of the city of Detroit, praying that the city charter be so amended as to make the offices of city marshal, collector, treasurer, clerk and register elective, asked that the committee be discharged from the further consideration of the subject, and moved that the same be referred to the committee on elections.

And the committee on incorporations was thereupon discharged from the further consideration of said petition, and the petition was referred to the committee on elections.

Mr. McDonell, from the committee on elections, to whom was referred the petitions of citizens of Detroit, for certain amendments to the city charter, brought in a bill entitled "A bill to amend the several acts relative to the city of Detroit ;" which bill having been read a first and second times, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Britain laid the following resolution on the table :

Resolved, That the committee on incorporations be instructed to inquire into the expediency of prohibiting by law the circulation of the bills of any incorporated company, not expressly authorized by their charter to do a banking business.

Mr. Cooper gave notice that, on some future day, he would ask leave to bring in a bill incorporating a mutual insurance company, to be located at Jacksonburg, Jackson county. ■

Mr. Raynale gave notice that, on a future day, he would ask leave to bring in a bill to improve the navigation of the Shiawassee river.

Mr. Rumsey gave notice that he would, on a future day, ask leave to introduce a bill to incorporate the stockholders of the New Michigan city railroad company.

Mr. Comstock gave notice that he would ask leave, on some future day, to bring in a bill incorporating the stockholders of the Bank of Saginaw.

Mr. Raynole gave notice that, on a future day, he would ask leave to bring in a bill to amend the fifteenth section of an act entitled "An act to provide for the assessment and collection of township and county taxes."

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the election of senators to the congress of the United States ; and Messrs. Britain, Rumsey, and Barry were appointed a committee to bring in said bill.

Mr. Ellis laid the following resolution on the table :

Resolved, That the commissioner appointed to prepare a revised code of laws, be requested to inquire into the propriety of incorporating into our statute the following alterations in the existing system of township and county organization :

1. Abolishing the board of supervisors in the several counties, and substituting therefor three or five county commissioners.

2. Providing, in lieu of township assessors, one or more county assessors, to be appointed by the county commissioners, or elected by the qualified electors.

3. Providing for a more simplified system of township government, with a less number of township officers.

On motion of Mr. Ellis, the bill entitled "A bill to regulate the construction of mill-dams across the navigable rivers and streams of this state," was committed to committee of the whole.

On motion of Mr. Barry, the bill entitled "A bill relating to interest," and "A bill regulating dower," were also severally committed to committee of the whole.

The Senate then resolved itself into committee of the whole, Mr. Comstock in the chair, on the resolution relative to extending the time for the revision of the laws, and after some time spent thereon, the committee rose, and reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate non-concurred in said amendment, being to extend the time to Thursday, November, 9th, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McDonell,	Mr. Rumsey,	
Mr. Clark,	Mr. McKey,	Mr. Summers,	
Mr. Comstock,			7

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Ten Eyck,	
Mr. Ellis,	Mr. Moore,		8

Mr. Hough moved to fill the blank in the resolution with "first Monday of October, 1837 ;" Mr. Ellis, with "first Monday in January next ;" Mr. Clark, with "second Monday in November next."

The question on filling with "first Monday in January next," was decided in the negative by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Clark,	Mr. McDonell,	Mr. Rumsey,	
Mr. Cooper,	Mr. Moore,	Mr. Ten Eyck,	9

The question on filling with "second Monday of November next," was decided in the negative by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McDonell,	Mr. Rumsey,	
Mr. Clark,	Mr. McKey,	Mr. Summers,	
Mr. Manning,			7

NAYS.

Mr. Britain,	Mr. Ellis,	Mr. Raynale,	
Mr. Comstock,	Mr. Hough,	Mr. Ten Eyck,	
Mr. Cooper,	Mr. Moore,		8

The question then being on filling the blank with "first Monday of October, 1837," Mr. Barry moved to lay the resolution on the table, which motion prevailed.

The President announced two messages from the executive, on executive business.

And the Senate, on motion of Mr. Comstock, then went into consideration of executive business.

When the doors were opened, the Senate, on motion of Mr. Manning, adjourned.

Monday, January 16, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Manning, Raynale, Ten Eyck.

On motion of Mr. Summers, leave of absence was granted to Mr. Manning for to-day.

On motion of Mr. Rumsey, leave of absence was granted to Mr. Raynale for to-day.

Mr. Davis presented the petition of citizens of Plymouth and vicinity, for a bank at Plymouth. Read and referred to the committee on incorporations.

Mr. Britain presented the petition of inhabitants of New Buffalo, for a bank at New Buffalo. Referred to the committee on incorporations.

Mr. Britain presented the petition of inhabitants of New Buffalo, for a railroad from New Buffalo to Terre Coupee. Referred to the committee on incorporations.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill to extend the time for the collection and payment of certain taxes therein named," which bill was read a first and second times, and on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Barry, from the committee on the judiciary, to whom had been referred the bill from the House of Representatives, entitled "A bill to authorize Morris S. Hutchins and others to convey certain lands," reported the same back to the Senate without amendment.

And the bill was thereupon ordered to a third reading.

On motion of Mr. Ellis, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to regulate the construction of mill-dams across the navigable

rivers and streams of this state ;" and the bill was committed to the committee on the judiciary.

Mr. Hough gave notice that he would, at some future day, ask leave to bring in a bill to incorporate a company with power to construct a railroad from the village of Tecumseh, in the county of Lenawee, to intersect the Detroit and St. Joseph railroad at the village of Ypsilanti.

On motion of Mr. McDonell, the bill entitled " A bill to amend the several acts concerning deeds and conveyances of land," was committed to committee of the whole.

The bill from the House of Representatives, entitled " A bill to authorize Morris S. Hutchins and others to convey certain lands," was read a third time and passed.

The general orders of the day being then in order, and the questions being severally put on the Senate now resolving itself into committee of the whole, on the bills entitled " A bill regulating dower," " A bill relating to interest," and " A bill to amend the several acts concerning deeds and conveyances of lands," were severally lost.

The Senate, on motion of Mr. Hough, took up for consideration the resolution previously laid on the table, relative to the expunging resolution introduced by Hon. Thos. H. Benton into the Senate of the United States ; and the question being on the adoption of the resolution, the resolution, on motion of Mr. McDonell, was again laid on the table.

On motion of Mr. Davis, leave of absence was granted to Mr. Ten Eyck, for to-day.

The Senate, on motion of Mr. Barry, having taken up the resolution relative to extending the time for the revision of the laws, and the question being on filling the blank with " first Monday of October, 1837," the resolution was again laid on the table.

The Senate, on motion of Mr. Ellis, then took up the resolution laid on the table by him on Saturday last, relative to certain alterations in the present systems of county and township organizations ; and the Senate, on motion of Mr. Hough, thereupon went into committee of the whole, Mr. Cooper in the chair, on said resolution, and after some time spent thereon, the committee

rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

The first of said amendments having been amended, on motion of Mr. Barry, by striking out the word "requested," and inserting "instructed," was concurred in by the Senate; the Senate thereupon also concurred in the second of said amendments, and the question then being on the adoption of the resolution as amended, being in the words following :

Resolved, That a select committee of five be instructed to report a bill making the following alterations in the existing system of township and county organization :

1st. Abolishing the board of supervisors in the several counties, and substituting therefor three or five county commissioners, and to define their powers and duties, to be elected by the qualified electors of such counties;

2nd. Providing, in lieu of township assessors, one or more county assessors, to be appointed by the county commissioners, or elected by the qualified electors ;

3rd. Providing for a more simplified system of township government, with a less number of township officers.

Mr. Comstock moved to amend by striking out the first branch of the instructions contained in said resolution ; whereupon, the resolution, on motion of Mr. Rumsey, was laid on the table.

The following message was received from the House of Representatives, through their clerk :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate "A joint resolution allowing the commissioner appointed by law to prepare, digest and arrange a code of laws for the government of the people of this state, further time to report the result of his labors in the premises ;" also, "A bill to repeal so much of the second section, as relates to the rate of interest, of an act entitled 'An act to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24, 1836," which have passed that body, and in which they respectfully ask the concurrence of the Senate.

The resolution from the House of Representatives, entitled "A joint resolution allowing the commissioner appointed by law to prepare, digest and arrange a code of laws for the government of the people of this state, further time to report the result of his labors in the premises," was thereupon read a first and second time, and on motion of Mr. Barry, laid on the table.

The bill from the House of Representatives, entitled "A bill to repeal so much of the second section, as relates to the rate of interest, of an act entitled 'An act to authorize the boards of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24th, 1836," having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on the judiciary.

The Senate, on motion of Mr. McDonell, took up the resolution laid on the table, relative to the expunging resolutions introduced by the Hon. Thos. H. Benton into the Senate of the United States, and thereupon went into committee of the whole on said resolutions, Mr. Davis in the chair; and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, without amendment.

The question being on the adoption of the resolutions, Mr. McDonell moved that they be referred to a select committee of five, which motion prevailed.

A message was received from the House of Representatives, through their clerk, transmitting to the Senate a joint resolution instructing our senators in Congress relative to certain matters therein named.

Said resolution having been read, was, on motion of Mr. McDonell, referred to the same select committee to whom had been referred the resolution of the Senate relative to the expunging resolution in the Senate of the United States.

On motion of Mr. Barry,

The bill from the House of Representatives, entitled "A bill to amend the several acts relative to the supreme court, circuit court and court of chancery, was taken up, and the question being on ordering the bill to a third reading, the bill, on motion of Mr. Barry, was laid on the table, and ordered to be printed.

Mr. Ellis moved that the Senate do now adjourn, which motion was lost.

Mr. Barry moved that the Senate do now adjourn, which motion was also lost.

Mr. Clark moved that the Senate do now adjourn, which motion prevailed.

And the Senate adjourned.

Tuesday, January 17, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent Mr. Ellis.

On motion of Mr. Hough, leave of absence was granted to Mr. Ellis, for to-day.

Mr. Britain gave notice that, on some future day, he would ask leave to bring in a bill to provide for laying out a state road from Whitmanville to Davis's, and also from Centreville through Berrien to New Buffalo.

The general orders of the day being in order, the Senate thereupon resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to amend the several acts concerning deeds and conveyances of land;" and after some time spent thereon, the committee rose, and through their chairman asked and obtained leave to sit again.

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled "A bill relating to interest;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The question then being on the Senate now resolving itself into committee of the whole on the bill entitled "A bill regulating dower," was lost.

And the Senate then again resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill to amend the several acts concerning deeds and conveyances of lands;" and after some time spent thereon, the committee rose, and through their chairman reported progress and asked and obtained leave to sit again.

Mr. Comstock, in pursuance of previous notice, asked and obtained leave to bring in "A bill to authorize Nathaniel Odell to sell and convey certain lands;" and Messrs. Comstock, Cooper and Davis were appointed a select committee to bring in said bill.

Mr. McDonell, from the select committee to whom was referred the resolution of the Senate, and the joint resolution of the House of Representatives, relative to certain proceedings of the Senate of the United States, of March 24th, 1834, made a report thereon, and moved a slight verbal amendment to the resolution from the House of Representatives; which report having been read, the report and resolution, on motion of Mr. Britain, were laid on the table and ordered to be printed.

(See Senate Document No. 12.)

On motion of Mr. McDonell,

The bill entitled "A bill to amend the several acts relative to the city of Detroit," was committed to committee of the whole.

The President announced a message from the Executive, received through his private secretary, on executive business.

And the Senate, on motion of Mr. Hough, then adjourned.

Wednesday, January 18, 1837.

The Senate met pursuant to adjournment.

Mr. Ellis presented the petition of sundry inhabitants of Dundee, Monroe county, relative to taxes on non-residents' lands. Read and referred to the committee on finance.

Mr. McDonell presented the claim of John S. Bagg, for printing the journals of last year. Referred to the committee on finance.

Mr. Barry, from the committee on the judiciary, to whom had been referred the bill entitled "A bill to regulate the construction of mill-dams across the navigable rivers and streams of this state," reported the same back to the Senate with certain amendments; and the bill and amendments, on motion of Mr. Barry, were committed to committee of the whole.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to repeal so much of the second section, as relates to the rate of interest, of an act entitled 'An act to authorize the

board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24th, 1836 ;" reported the same back to the Senate without amendment.

And the bill was thereupon ordered to third reading.

Mr. Barry, from the committee on the judiciary, to whom had been referred a certain petition of the supervisors of St. Clair county, brought in a bill entitled "A bill to legalize the assessment roll of the township of Cottrelville, in the county of St. Clair, for 1836 ;" which bill having been read a first and second times, was ordered to be engrossed for third reading.

Mr. Ellis, from the committee appointed for that purpose, brought in a bill entitled "A bill to regulate banking associations;" which bill having been read a first and second times, was, on motion of Mr. Ellis, laid on the table and ordered to be printed.

Mr. McDonell laid the following resolution on the table :

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to procure the passage of a law to establish a port of entry at the town of Lower Saginaw, on the Saginaw river, and an appropriation to build a light-house near said point, on said river.

On motion of Mr. McKey,

Resolved, That the committee on state prisons be instructed to inquire into the expediency of providing by law for the immediate location of a penitentiary, and report by bill or otherwise.

On motion of Mr. Hough,

The vote taken yesterday on laying on the table and ordering to be printed, the report of the select committee to whom had been referred the resolution of the Senate, and the joint resolution from the House of Representatives, relative to certain proceedings of the Senate of the United States, of March 28th, 1834, together with the resolution from the House, was reconsidered ; and the question recurring on laying on the table and ordering to be printed, was lost.

Mr. Britain gave notice that, on a future day, he would ask leave to bring in a bill to provide for the election of state printer, and to prescribe his powers and duties.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for laying out a state road from Whitmanville to Davis's, and also from Centreville through Berrien to New Buffalo; and Messrs. Britain, Raynale and Rumsey were appointed a committee to bring in said bill.

Mr. McDonell gave notice that, on some future day, he would ask leave to bring in a bill to incorporate the Savings bank of Michigan.

Mr. Comstock gave notice that he would ask leave, on some future day, to bring in a bill to incorporate a railroad company to construct a railroad leading from Marshall, in Calhoun county, to Otsego, in the county of Allegan.

The bill from the House of Representatives, reported back to-day by the committee on the judiciary, and ordered to a third reading, was read a third time and passed.

The general orders of the day being then in order, the Senate thereupon resolved itself into committee of the whole, Mr. McKey in the chair, on the bill entitled "A bill regulating dower;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The Senate, on motion of Mr. Hough, took up for consideration the joint resolutions from the House of Representatives, relative to certain proceedings in the Senate of the United States, of March 28th, 1834; and the question being on the amendment proposed by the select committee of the Senate, to strike out before "unconstitutionally," the words "irregularly, illegally and," the amendment was lost.

The joint resolutions were thereupon unanimously concurred in by the Senate, as follows:

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Ellis,
Mr. Hough,
Mr. Manning,
Mr. McDonell,
Mr. McKey,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,
Mr. Summers,
Mr. Ten Eyck,

16

NAYS.

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The resolutions being in the words following :

Whereas, the Senate of the United States, in reference to the removal of the public deposits from the Bank of the United States, and to the dismissal by the president, of the secretary of the treasury, for refusing to carry into effect the executive decision that they should be removed, did on the 28th day of March, 1834, adopt a resolution declaring " that the president, in the late executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both :"

And whereas, the said resolution was irregularly, illegally and unconstitutionally adopted by the Senate, because it pronounced the president, without any hearing or trial, to be guilty of an impeachable offence, of which the Senate thus adjudging him guilty without going through the forms of impeachment and defence, constituted the legal tribunal for his trial whenever the House of Representatives might arraign him for that purpose, and could not constitutionally pronounce such judgment without an adherence to the regular form of trial : And whereas, the Senate in the adoption of the aforesaid resolution, assumed to itself the character of accusers, of witnesses and judges, contrary to the constitution of the country and in violation of all the principles of law and justice, before any impeachment by the House of Representatives, and did thus commit a breach of the privileges of the House and prejudice the question, which as a judicial tribunal, it might have been called upon to decide after a fair trial : Therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be, and they are hereby, instructed to vote for expunging the aforesaid resolution from the journal of the Senate of the United States.

On motion of Mr. McDonell,

The report of the select committee of the Senate, accompanying said resolution, was also unanimously adopted by the Senate, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,

Mr. Ellis,
Mr. Hough,
Mr. Manning,
Mr. McDonell,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,
Mr. Summers,

Mr. Cooper,
Mr. Davis,

Mr. McKey,

Mr. Ten Eyck,

16

NAYS.

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(See Senate Document No. 12.)

Mr. Comstock presented the petition of sundry inhabitants of Van Buren county, praying for the confirmation of the seat of justice of said county. Referred to the committee on the judiciary.

And the Senate, on motion of Mr. Clark, then adjourned.

Thursday, January 19, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Raynale.

On motion of Mr. Rumsey, leave of absence was granted to Mr. Raynale, until Monday next.

Mr. Summers presented the petition of citizens of Genesee county, for authority to construct a certain mill-dam. Referred to the committee on internal improvements.

Mr. Clark presented a petition of sundry inhabitants of the village of Palmer, St. Clair county, praying for the erection of a state university at that place. Referred to the committee on literature.

Mr. Summers presented the petition of inhabitants of Mount Clemens, for the incorporation of said village. Referred to the committee on incorporations.

The President presented a communication from Levi Cook, mayor of the city of Detroit, enclosing the proceedings of a meeting of certain freemen of said city, held at the city hall on Monday evening, 16th instant; which having been read, were, on motion of Mr. McDonell, laid on the table.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to authorize the administrator on the estate of Israel Owen, late of the county of Monroe and state of Michigan, deceased, to make and execute a deed of certain real estate," reported the same back to the Senate without amendment.

And the bill was thereupon ordered to a third reading.

Mr. Clark, from the committee on state prisons, to whom had been referred so much of the Governor's message as related to the establishment of a penitentiary, and a certain resolution of the Senate on the same subject, made a report thereon; which report having been read, was, on motion of Mr. Cooper, laid on the table and ordered to be printed.

(See Senate Document No. 13.)

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled "A bill to authorize Nathaniel Odell to convey certain lands;" which bill having been read a first and second times, was, on motion of Mr. Comstock, together with an amendment offered by Mr. McDonell, committed to the committee on the judiciary.

Mr. McKey, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to regulate highways,'" which bill having been read a first and second times, was laid on the table and ordered to be printed.

Mr. Ellis submitted the following resolution:

Resolved, That the Secretary of State be, and he is hereby, requested to transmit a copy of the report adopted by the Senate, with the joint resolution adopted by the Senate and House of Representatives, to each of our senators in Congress, instructing our senators to co-operate in causing the resolution adopted by the Senate of the United States on the 28th March, 1834, in relation to the President of the United States, to be expunged from the journal of that body.

Mr. Manning moved to lay the resolution on the table; which motion was lost, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Rumsey,	
Mr. Clark,			4

NAYS.

Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Summers,	
Mr. Cooper,	Mr. McDonell,	Mr. Ten Eyck,	11
Mr. Davis,	Mr. McKey,		

The question then recurring on the adoption of the resolution, the resolution was adopted by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McKey,	
Mr. Comstock,	Mr. Ellis,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	9

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,	Mr. Ten Eyck,	6

Mr. Comstock, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the stockholders of the Bank of Saginaw ; and Messrs. Comstock, Cooper and Davis were appointed a committee to bring in said bill.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the election of state printer, and to prescribe his powers and duties ; and Messrs. Britain, Ellis and Rumsey were appointed a committee to bring in said bill.

The engrossed bill entitled " A bill to legalize the assessment roll in the township of Cottrelville, in the county of St. Clair, for 1836, was read a third time, and on motion of Mr. Britain, seconded by a majority, amended by inserting after " Cottrelville," the words " and as would otherwise have been in pursuance of law," and the bill then passed.

The bill from the House of Representatives this day reported back to the Senate by the judiciary committee, and ordered to a third reading, was also read a third time and passed.

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled " A bill relating to interest," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. Hough, then went into the consideration of executive business.

When the doors were opened,

Mr. Davis presented the petition of inhabitants of the townships of Plymouth and Livonia, in Wayne county, praying the repeal of so much of an act of last year as relates to the estab-

ishment of a state road from Ypailanti to Pontiac. Referred to the committee on roads and bridges.

And the Senate, on motion of Mr. Ellis, then adjourned.

Friday, January 20, 1827.

The Senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Ray-nale.

Mr. Ten Eyck presented the remonstrance of Henry B. Brevoort, against the extension of Fort street, in the city of Detroit, to the river road leading to Dearborn; which having been read, Mr. Rumsey moved its reference to the committee on Indian affairs, which was lost; and the communication, on motion of Mr. Hough, was referred to the committee on roads and bridges.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the stockholders of the Bank of Saginaw;" which bill having been read a first and second times, was committed to the committee on incorporations.

On motion of Mr. McDonell, the bill entitled "A bill to extend the time for the collection and payment of certain taxes therein named," was committed to the committee of the whole.

Mr. Ellis, from the committee on printing, brought in a resolution entitled "A resolution directing the publication of the laws," which having been read a first and second times, was, on motion of Mr. Barry, committed to the committee of the whole.

Mr. Ellis gave notice that, on some future day, he would ask leave to bring in a bill to amend an act entitled "An act to incorporate the River Raisin and Lake Erie railroad company," and to repeal so much of the eleventh section of said act as authorizes said company to grant evidences of debt.

The Senate then again resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled "A bill relating to interest," and after some time spent thereon, the committee rose, and through their chairman reported the same back to

the Senate with sundry amendments, in which they asked the concurrence of the Senate.

The Senate thereupon concurred in the first amendment made in committee of the whole, to insert before "contract," line three, section one, the word "written;" and the question then being on concurring in the second amendment to insert after the word "contract," line three, section one, the words "for money actually loaned," was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. McDonell,

Mr. Rumsey,
Mr. Ten Eyck,

7

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Comstock,

Mr. Cooper,
Mr. Manning,
Mr. McKey,

Mr. Summers,
Mr. President,

8

Mr. McDonell then moved that the Senate do now adjourn, which motion was lost.

The question then being on concurring in the amendment made in committee of the whole, to strike out the fourth section of the bill, and substitute in lieu thereof, the following :

"Sec. 4. Any bank or moneyed institution that shall ask, demand or receive, directly or indirectly, any higher rate of interest than said bank or moneyed institution is authorized by its charter, shall pay upon its conviction thereof, in any court having jurisdiction of the same, the sum of ten thousand dollars, one-tenth of which to be paid to the informant, and the balance into the treasury of this state; and in order to carry the provisions of this section into effect, it shall be lawful for the legislature by its committees, or for any one of the bank commissioners for the state, to examine under oath any of the officers, agents or servants of said bank touching the business of said bank."

Mr. Clark moved to amend the amendment by inserting before "ten thousand," the words "not less than one, nor more than;" before the question was taken, Mr. Clark moved that the bill and amendments be committed to the committee on the judiciary, which motion did not prevail.

And the question recurring on the amendment to the amend-

ment just offered, Mr. McKey moved that the bill and amendments be laid on the table, which motion was lost ; and the question on the amendment to the amendment was then decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,	Mr. Ten Eyck,	9

And the question then being on concurring in the amendment made in committee of the whole, Mr. Barry moved to strike out the words "the sum of ten thousand," and insert "a sum not less than five thousand, nor more than one hundred thousand ;" a division of the question being called for, and the question being first put on striking out the words, "the sum of ten thousand," was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Ten Eyck,	
Mr. Cooper,			13

NAYS.

Mr. McDonell,	Mr. Summers,	2
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And the question then being on inserting "a sum not less than five thousand, nor more than one hundred thousand," Mr. Clark moved that the Senate adjourn, which motion was lost ; and the question on inserting as above, was thereupon agreed to.

The question thereupon recurring on the adoption of the amendment made in committee of the whole, as amended, Mr. Clark moved a reconsideration of the vote last taken, which motion did not prevail ; and Mr. Manning thereupon moved further to amend the amendment by striking out "one hundred" before "thousand," and inserting in lieu thereof the word "ten," and adding after the word "dollars" the words "for each offence ;" a division of the question being made, the question on striking out the words "one hundred," was lost.

Mr. Barry moved to amend the amendment by adding after the word "dollars," the words "for each and every offence," which motion prevailed, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,	
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Clark,	Mr. Hough,	Mr. Ten Eyck,	
Mr. Comstock,	Mr. McKey,		11

NAYS.

Mr. Ellis,	Mr. Summers,	Mr. McDonell,	
Mr. Manning,			4

And the amendment as amended was concurred in by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,	Mr. McKey,	Mr. Ten Eyck,	12

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. McDonell,	3
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The Senate thereupon also concurred in the amendment to add, line two, section five, after the word "contracts," the words "approved April 20th, 1833 ;" and the question being on concurring in the amendment made in committee of the whole, to add as an additional section, as follows :

"Sec. 6. This act shall take effect and be in force from and after the first Monday in April next,"

Mr. Clark moved to amend said amendment by striking out "April" and inserting "July," which motion did not prevail ; and the Senate thereupon concurred in the amendments as reported from the committee of the whole.

The question then being put on ordering the bill to be engrossed for third reading, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Rumsey,
Mr. Britain,	Mr. Manning,	Mr. Summers,
Mr. Comstock,		

7

NAYS.

Mr. Clark,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. McDonell,
Mr. McKey,

Mr. Moore,
Mr. Ten Eyck,

8

And the Senate, on motion of Mr. Davis, then adjourned.

Saturday, January 21, 1837.

The Senate met pursuant to adjournment.

In the necessary absence of the President, Mr. Davis, by appointment of the President, in pursuance of the third rule of the Senate, took the chair.

The roll being called, there were absent Messrs. McKey and Moore; absent on leave, Mr. Raynale.

On motion of Mr. Hough, leave of absence was granted to Messrs. McKey and Moore; until Wednesday next.

Mr. Comstock presented the petition of inhabitants of township one south, of range twelve west, for the organization of a new township. Referred to the committee on towns and counties.

Mr. Barry presented the petition of Henry R. Schoolcraft and others, praying for the passage of an act incorporating them a joint stock company, for the purpose of constructing a ship canal around the Falls of St. Marie. Read and referred to the committee on internal improvement.

Mr. Britain presented the petition of inhabitants of Michigan, for a railroad from Brest to Grand river. Read, and on motion of Mr. Britain, laid on the table.

Mr. Comstock presented two petitions of inhabitants of Niles, for a bank at Niles. Laid on the table.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled "A bill to provide for laying out a state road from Whitmanville to Bainbridge," which bill, having been read a first and second time, was, on motion of Mr. Britain, committed to committee of the whole, and made the special order of the day for the second Monday of February next.

On motion of Mr. McDonell,

Resolved, That the judiciary committee be instructed to inquire what county officers by law are now required to give security

for the faithful discharge of the official duties of their respective offices, and whether the manner and form that any such officer is now required by law to give security, ought not to be amended, including the offices of sheriff, coroner, county clerk, county treasurer, register of deeds, county surveyor, justice of the peace, and judge of probate; and whether all such officers, on being elected, ought not to be commissioned by the Governor when elected; and whether it may not be necessary to provide by law, that the security of every such functionary may not, when such security shall deem it expedient, relieve themselves by withdrawing their responsibility; and whether it may not be necessary to provide by law, that the office of every such functionary, who shall fail in a given time to give the required security, may not be deemed to have vacated his office, and that said committee report by bill or otherwise.

On motion of Mr. Hough, the vote taken yesterday, on ordering the bill entitled "A bill relating to interest," to a third reading, by which said bill was lost, was reconsidered; and the bill, on motion of Mr. Hough, was thereupon laid on the table.

Mr. Comstock laid the following resolution on the table:

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to use their exertions to obtain from Congress, at its present session, an appropriation of five hundred thousand acres of land, for the purpose of improving the navigation of our rivers.

Resolved, That the Secretary of State be required to transmit a copy of these resolutions to our senators and representative in the Congress of the United States.

Mr. Britain laid the following preamble and resolution on the table:

Whereas, the unparalleled accession to the population of Michigan, and of that portion of the west which must be necessarily supplied by mails passing through said state, requires from the post office department a corresponding increase of the facilities for the transportation of the mails:

And whereas, the last annual report exhibits the affairs of the department in a condition, not only highly creditable to its dis-

tinguished head, but which evidences its entire ability to extend to the inhabitants of Michigan the same liberality of policy which has, with so much justice, been extended to other portions of these United States : Therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to use their exertions to obtain from the postmaster general an arrangement requiring the present contractors to transport the mails daily from Detroit to Chicago, upon the Chicago road; and also from Detroit to St. Joseph, upon the state road, and that not more than three days be allowed for transporting the mail from Detroit to St. Joseph upon the last named route.

Mr. Barry gave notice that, at a future day, he would ask leave to bring in a bill to repeal an act entitled "An act to provide for establishing seats of justice, approved March 4, 1836."

Mr. McDonell gave notice that, on a future day, he would ask leave to bring in a bill "authorizing the Governor to appoint a commissioner in any state or territory to take the acknowledgment of any paper under seal, to be recorded in this state, and for other purposes."

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act entitled "An act to incorporate the River Raisin and Lake Erie railroad company," and to repeal so much of the eleventh section of said act as authorizes said company to grant evidences of debt; and Messrs. Ellis, McDonell and Britain, were appointed a committee to bring in said bill.

The general orders of the day being in order, the Senate, on motion of Mr. McDonell, thereupon resolved itself into committee of the whole, Mr. Barry in the chair, on the bill entitled "A bill to extend the time for the collection and payment of certain taxes therein named;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Barry, concurred in said amendments.

The bill, on motion of Mr. Ellis, was thereupon further amended by striking out in section three, line four, the words "such tax-roll," and inserting "the tax-roll of such township."

And on motion of Mr. Britain, the bill was amended by adding to section five the following proviso :

"Provided, That the treasurers of the counties of Mackinaw and Chippewa, shall respectively be permitted and required to give bond as aforesaid, within ninety days from and after the passage of this act."

And the bill, on motion of Mr. McDonell, was thereupon ordered to be engrossed for a third reading.

A message was received from the House of Representatives, through their clerk, as follows :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate "A bill to incorporate the village of Coldwater, in the county of Branch ;" also, "A bill to regulate the election for the county of Shiawassee ;" also, "A bill authorizing the board of supervisors of the county of Lapeer to loan a certain sum of money ;" also, a joint resolution, directing the joint select committee to investigate the affairs of banking incorporations, as therein stated ; all of which have passed the House, and in which they respectfully ask the concurrence of the Senate.

I also herewith return to the Senate, without amendment, the bill entitled "A bill to legalize the assessment roll of the township of Cottrelville, in the county of St. Clair, for 1836."

The bill from the House of Representatives, entitled "A bill to regulate the election for the county of Shiawassee," having been read a first and second times, was, on motion of Mr. Hough, ordered to a third reading ; and the necessary rule, on motion of Mr. Manning, being suspended, two-thirds voting in favor thereof, the bill was thereupon read a third time and passed.

The joint resolution from the House of Representatives, entitled "A joint resolution directing the joint select committee to investigate the affairs of banking incorporations, as therein stated,"

having been read, Mr. Ellis moved to lay said resolution on the table, which motion prevailed by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Cooper,	Mr. Hough,	Mr. Rumsey,	9

NAYS.

Mr. Clark,	Mr. Comstock,	Mr. Summers,	3
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The bill from the House of Representatives, entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money," having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to incorporate the village of Coldwater, in the county of Branch," having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on incorporations.

The Senate, on motion of Mr. McDonell, took up for consideration the resolution laid on the table by him on the 18th, relative to a port of entry and light-house at Lower Saginaw ; Mr. Clark moved to amend the resolution as follows :

"Also a light-house at or near Windmill point, at the entrance of Lake St. Clair;" which amendment was adopted by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Rumsey,	
Mr. Britain,	Mr. Cooper,	Mr. Summers,	
Mr. Clark,	Mr. Manning,		8

NAYS.

Mr. Davis,	Mr. Hough,	Mr. McDonell,	
Mr. Ellis,			4

And on motion of Mr. Britain, the resolution was further amended by adding "and also a light-house upon Stoney point, in Monroe county."

Mr. Summers moved that the Senate do now adjourn, which motion did not prevail.

The question recurring on the adoption of the resolution as amended, said resolution was adopted.

On motion of Mr. Britain,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to procure the passage of a law establishing a port of entry at the town of St. Joseph, at the mouth of the St. Joseph river, in Berrien county.

And the Senate, on motion of Mr. Clark, then adjourned.

Monday, January 23, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent Mr. Ten Eyck; absent on leave, Messrs. McKey, Moore.

On motion of Mr. Hough, leave of absence was granted to Mr. Ten Eyck, for to-day.

Mr. Hough presented the petition of sundry inhabitants of Birmingham, Oakland county, relative to the Oakland county bank. Read and referred to the committee on incorporations.

Mr. Britain presented sundry petitions of inhabitants of Van Buren county, for the organization of said county, and for the organization of a certain township in said county; which were severally referred to the committee on towns and counties.

Mr. Ellis presented the petition of certain inhabitants of Oakland county, relative to the Oakland county bank. Referred to the committee on incorporations.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, a bill entitled "An act to legalize the assessment roll of the township of Cottrelville, in the county of St. Clair, for 1836."

Mr. Barry presented the petition of W. W. Bliss and others, for the incorporation of a manufacturing company in St. Joseph county, to be called the "New Lowell manufacturing company." Read and referred to the committee on incorporations.

Mr. Barry, from the committee on the judiciary, to whom had been referred the bill entitled "A bill to authorize Nathaniel Odell to convey certain land," and a proposed amendment to said bill, reported the same back to the Senate, recommending the pas-

sage of the bill without said amendment; and the bill and amendment, on motion of Mr. McDonell, were laid on the table.

Mr. Hough, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Tecumseh and Ypsilanti railroad company; and Messrs. Hough, McDonell and Ellis were appointed a committee to bring in said bill.

Mr. Cooper gave notice that, on some future day, he would ask leave to bring in a bill to incorporate a bank at Jacksonburg, Jackson county.

Mr. Hough gave notice that he would, at some future day, ask leave to introduce a bill to incorporate the Lenawee county mutual insurance company, to be located at the village of Tecumseh. Also, a bill to incorporate the village of Tecumseh, in the county of Lenawee.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled "A bill to provide for the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal;" which bill having been read the first and second times, was, on motion of Mr. Britain, laid on the table and ordered to be printed.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties;" which bill having been read a first and second times, was also laid on the table and ordered to be printed.

Mr. Ellis laid the following resolution on the table:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing the charters of all moneyed institutions incorporated prior to the adoption of the constitution of Michigan.

Mr. Barry, in pursuance of previous notice, asked and obtained leave to bring in a bill to repeal the act entitled "An act to provide for establishing seats of justice," approved March 4, 1836; and Messrs. Barry, Rumsey and Raynald were appointed a committee to bring in said bill.

The engrossed bill entitled "A bill to extend the time for the collection and payment of certain taxes therein named," was read a third time and passed.

On motion of Mr. Britain, the bill entitled "A bill to incorporate the Brest and Grand river railroad company," was committed to the committee of the whole.

The Senate, on motion of Mr. Ellis, took up the bill from the House of Representatives, entitled "A bill to amend the several acts concerning the supreme court, circuit court and court of chancery of the state of Michigan;" and the Senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on said bill; and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

Mr. Britain moved to recommit the bill to the committee on the judiciary, with instructions to equalize the several judicial circuits of the state; before the question was taken, the bill, on motion of Mr. Hough, was laid on the table.

The Senate then resolved itself into committee of the whole, Mr. McDonell in the chair, on the resolution entitled "A resolution directing the publication of the laws;" and after some time spent thereon, the committee rose and reported the same back to the Senate, without amendment.

And the resolution, on motion of Mr. Britain, was laid on the table and ordered to be printed.

The Senate, on motion of Mr. Comstock, took up the resolutions laid by him on the table on Saturday last, relative to an appropriation for improving the navigation of the rivers of this state. Mr. Hough moved to lay the resolutions on the table, which motion was lost, by yeas and nays, as follows:

YEAS.

Mr. Davis,	Mr. Hough,	Mr. Rumsey,	
Mr. Ellis,	Mr. McDonell,		5

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. Raynale,	
Mr. Britain,	Mr. Cooper,	Mr. Summers,	
Mr. Clark,	Mr. Manning,		8

The first resolution, on motion of Mr. Ellis, was then amended, by inserting after the word "obtain," as follows: "the as-

sent of the Congress of the United States to the propositions contained in the 'ordinance relative to certain propositions made by Congress to the legislature of the state of Michigan,' approved July 25, 1836; and likewise to obtain".

And the resolutions, as amended, were then adopted by the Senate, being in the words following:

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to use their exertions to obtain the assent of the Congress of the United States to the propositions contained in the "ordinance relative to certain propositions made by Congress to the legislature of the state of Michigan," approved July 25, 1836; and likewise to obtain from Congress at its present session, an appropriation of five hundred thousand acres of land for the purpose of improving the navigation of our rivers.

Resolved, That the Secretary of State be requested to transmit a copy of these instructions to our senators and representative in the Congress of the United States."

The Senate, on motion of Mr. Britain, then took up for consideration, the preamble and resolution laid by him on the table on the 21st, relative to daily mails on certain routes; and the resolution, on motion of Mr. Britain, was amended by striking out the words, "upon the Chicago road," and "upon the state road;" and, on motion of Mr. Manning, by inserting after the words "St. Joseph," where they first occur, the words "and from Detroit to Pontiac," and striking out after the words "St. Joseph," where they last occur, the words "upon the last named route;" and further amended, on motion of Mr. Britain, by adding the following resolution:

Resolved, That the Secretary of State be requested to transmit to our senators and representative in the Congress of the United States, a copy of the preceding preamble and resolutions; and also a copy of the resolution relative to a port of entry at St. Joseph, at the mouth of St. Joseph river.

And the preamble and resolution as amended, were thereupon adopted by the Senate, being as follows:

Whereas, the unparalleled accession to the population of Michi-

gan, and that portion of the west which must necessarily be supplied by mails passing through said state, requires from the post office department a corresponding increase of the facilities for the transportation of the mail :

And whereas, the last annual report exhibits the affairs of the department in a condition not only highly creditable to its distinguished head, but which evidences its entire ability to extend to the inhabitants of Michigan the same liberality of policy which has with so much justice been extended to other portions of these United States : Therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to use their exertions to obtain from the postmaster general an arrangement requiring the present contractors to transport the mails daily from Detroit to Chicago ; and also from Detroit to Joseph, and from Detroit to Pontiac ; and that not more than three days be allowed for transporting the mail from Detroit to St. Joseph.

Resolved, That the Secretary of State be requested to transmit to our senators and representative in the Congress of the United States, a copy of the preceding preamble and resolution ; and also a copy of the resolution relative to a port of entry at St. Joseph, at the mouth of the St. Joseph river.

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled " A bill to regulate the construction of mill-dams across the navigable rivers and streams of this state ;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. McDonell, thereupon concurred in said amendments.

The question then being on ordering the bill to be engrossed for third reading,

The Senate, on motion of Mr. Rumsey, adjourned.

Tuesday, January 24, 1837.

The Senate met pursuant to adjournment.

The Lieutenant Governor appeared and took the chair as President of the Senate.

The roll being called, there was absent Mr. Manning ; absent on leave Messrs. McKey, Moore.

Mr. Davis presented the petition of sundry inhabitants of Michigan for a timbered road from Detroit to Ann Arbor. Read and referred to the committee on internal improvements.

Mr. Hough, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Tecumseh and Ypsilanti railroad company ; which bill was thereupon read a first and second times, and on motion of Mr. Hough, committed to the committee on internal improvements.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to incorporate the River Raisin and Lake Erie railroad company, and to repeal all that part of said act under the provisions of which the said company have assumed the right to issue evidences of debt ;' " which bill having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on incorporations.

The enrolled bill originating in the Senate, entitled "An act to legalize the assessment roll of the township of Cottrelville, in the county of St. Clair, for the year 1836," was this day presented to the Governor for his signature.

Mr. McDonell, from the committee on finance, to whom had been referred a claim of John S. Bagg, for printing the journals of last year, brought in a resolution entitled "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money ;" which bill having been read a first and second times, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Barry, from the select committee appointed for that purpose, brought in a bill entitled "A bill to repeal an act entitled 'An act to provide for establishing seats of justice ;' " which bill having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

The President announced a message from the House of Representatives, received through their clerk, as follows :

Mr. President—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate a joint resolution instructing our senators and representative in Congress relative to light-houses and harbors, which has passed that body, and in which they respectfully ask the concurrence of the Senate.

Said resolution from the House of Representatives was thereupon concurred in by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Rumsey,
Mr. Britain,	Mr. McDonell,	Mr. Summers,
Mr. Clark,	Mr. Raynale,	Mr. Ten Eyck,
Mr. Comstock,		

10

NAYS.

Mr. Davis,	Mr. Ellis,	Mr. Hough,
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3

The resolution being in the words following :

Resolved, That our senators in Congress be instructed, and our representative requested, to use their influence to procure the passage of a law making appropriations for light-houses at New Buffalo, Kalamazoo river, north and south Black river, Grand river, Saginaw river, and at Windmill point at the outlet of Lake St. Clair ; and for the improvement of the harbors at the mouth of said rivers ; also, at New Buffalo, and Havre Bay, and the mouth of Stony creek, in Monroe county, and Clinton river in Macomb county ; also, to build a light-house at the mouth of St. Marie's river ; also, to remove the bar in Lake George, in the straits of St. Marie, and to improve the harbor at Mackinac.

On motion of Mr. Rumsey, the vote on the passage of the bill passed yesterday, entitled "A bill to extend the time for the collection and payment of certain taxes therein named," was reconsidered ; and the question therefore recurring on the final passage of the bill, the bill, on motion of Mr. Rumsey, was committed to a select committee of three ; and Messrs. Rumsey, Cooper and McDonell were appointed said committee.

Mr. McDonell gave notice that, on some future day, he would ask leave to bring in a bill to establish a state penitentiary.

The unfinished business of the day being in order, and the question being on ordering the bill entitled "A bill to regulate the con-

struction of mill-dams across the navigable rivers and streams of this state," to be engrossed for third reading, the question, on motion of Mr. Ellis, was postponed until to-morrow.

The Senate then went into committee of the whole, Mr. Raynale in the chair, on the bill entitled "A bill to authorize the supervisors of the county of Lapeer to loan a certain sum of money," and after some time spent thereon, the committee rose, and reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And said amendments were severally concurred in by the Senate.

And the bill, on motion of Mr. Manning, was further amended by inserting after the word "dollars," "at a rate of interest not exceeding seven per centum per annum;" said amendment being adopted by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Comstock,	Mr. Raynale,	Mr. Ten Eyck,	9

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Cooper,	Mr. Hough,		5

On motion of Mr. Clark, the word "ten" before "years" was stricken out; Mr. Clark then moved to fill the blank with the word "twenty," which was lost; and the blank, on motion of Mr. Comstock, was filled with the word "fifteen." Mr. Ellis moved to strike out the word "five" before the words "equal annual instalments;" Mr. Clark moved to amend said amendment by striking out the words "to be redeemable in not less than five equal annual instalments," which motion prevailed.

And the amendments were ordered to be engrossed, and the bill to a third reading.

The President announced a message from the House of Representatives, received through their clerk, as follows:

MR. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate "A bill to vacate the present seat of justice of the county of Berrien, and establish the same at the village of Berrien in said county," which

has passed that body, and in which they respectfully ask the concurrence of the Senate.

I also herewith return to the Senate a joint resolution relative to appropriations for certain light-houses, &c. in which the House has concurred without amendment.

The President also announced a message from the Executive, on executive business, and also the following message, approving certain acts therein named :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

“An act to authorize Morris S. Hutchins and others to convey certain lands ;”

“An act to repeal so much of the second section, as relates to the rate of interest, of an act entitled ‘An act to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,’ approved March 24th, 1836 ;”

“An act authorizing the administrator on the estate of Israel Owen, late of the county of Monroe and state of Michigan, deceased, to make and execute a deed of certain real estate ;”

“An act to regulate the election for the county of Shiawassee ;”

“An act to legalize the assessment roll in the township of Cottrelville in the county of St. Clair, for the year 1836 ;”

And also “A joint resolution, instructing our senators in Congress, relative to certain matters contained therein.”

STEVENS T. MASON.

January 24th, 1837.

The bill from the House of Representatives entitled “A bill to vacate the present seat of justice of the county of Berrien, and establish the same at the village of Berrien in said county,” was read a first and second time : whereupon, Mr. Comstock moved to commit the bill to the committee on towns and counties ; and the bill, on motion of Mr. Britain, was laid on the table.

And the Senate, on motion of Mr. Hough, then went into the consideration of executive business.

When the doors were opened,

Mr. Rumsey presented the petition of inhabitants of Shiawas-

see county, praying for the removal of the county seat of that county; referred to the committee on towns and counties.

And the Senate, on motion of Mr. Clark, then adjourned.

Wednesday, January 25, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. McKey, Raynale, Rumsey.

On motion of Mr. Hough, leave of absence was granted to Mr. McKey, for to-day.

On motion of Mr. Cooper, leave of absence was granted to Messrs. Raynale and Rumsey, for to-day.

Mr. Manning presented the petition of inhabitants of townships seven and eight north, of ranges one, two, three and four east, in Shiawassee county, to be set off as a separate township, to be called Owasso. Referred to the committee on towns and counties.

Mr. Manning also presented a petition of sundry inhabitants of Shiawassee county, for the vacation of the seat of justice of said county. Referred to the committee on towns and counties.

Mr. Britain presented petitions of sundry inhabitants of Berrien county, praying for the removal of the seat of justice of said county from St. Joseph to Berrien. Referred to the committee on towns and counties.

Mr. Britain also presented sundry remonstrances of inhabitants of Berrien county, against the removal of the seat of justice of said county. Referred to the committee on towns and counties.

Mr. Britain presented the petition of Calvin and Parmelia Berthelet, for authority to convey the real estate of Amos C. Berthelet, an infant son. Referred to the committee on the judiciary.

Mr. Britain presented sundry petitions of inhabitants of Michigan, for the incorporation of the Brest and Grand river railroad company. Referred to the committee of the whole when on the bill to incorporate said company.

Mr. McDonell, from the select committee to whom had been recommitted the bill entitled "A bill to extend the time for the

collection and payment of certain taxes therein named," reported back said bill with an amendment proposing to add a new section as section five, in which they asked the concurrence of the Senate.

And the Senate concurred in said amendment; and the bill then again passed the Senate.

Mr. Ellis laid the following resolution on the table:

Resolved, That the judiciary committee be instructed to inquire into what measures are necessary to prevent the banks of this state from either drawing their capital, intended by their charters to afford facilities to the business portion of the community, for the purpose of speculating, either directly or indirectly, in real estate, to the manifest detriment of the farming interest, and in violation of the privileges intended to be granted by the legislature in granting such acts of incorporation; and to report by bill or otherwise.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Detroit and Grand river railroad company;" which bill having been read a first and second times, was committed to the committee on internal improvements.

The bill from the House of Representatives, entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money," together with the amendments made in Senate, was read a third time and passed.

The unfinished business of the day, being the question on ordering to be engrossed the bill entitled "A bill to regulate the construction of mill-dams across the navigable rivers and streams of this state," was postponed until to-morrow.

The Senate then again resolved itself into committee of the whole, Mr. Moore in the chair, on the bill entitled "A bill regulating dower," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked leave to sit again; which leave was not granted, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. McDonell,

Mr. Hough,

Mr. Summers,

4

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Clark,	Mr. Davis,	Mr. Moore,	
Mr. Comstock,	Mr. Ellis,	Mr. Ten Eyck,	9

Mr. Barry thereupon moved to commit the bill to the committee on the judiciary, with the following instructions: "1st. To exclude the right of dower to wild lands; 2d. To exclude the right of dower of non-residents." While the motion was pending, the bill, on motion of Mr. McDonell, was laid on the table.

A message was received from the House of Representatives, through their clerk, as follows:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return to the Senate, without amendment, the joint resolution entitled "A resolution relative to a port of entry at St. Joseph's;" also, the "resolution relative to an appropriation for improving the rivers of this state, and for other purposes;" also, with an amendment, the "joint resolution relative to a daily mail on certain waters in this state."

Mr. Clark presented the petition of C. C. Trowbridge and others, relative to certain roads leading from Detroit to the interior of the state. Read and referred to the committee on roads and bridges.

The Senate, on motion of Mr. Ellis, took up the bill from the House of Representatives, entitled "A bill to amend the several acts concerning the supreme court, circuit court and court of chancery of the state of Michigan;" and the question being on recommitting the bill to the committee on the judiciary, with instructions so to equalize the several judicial circuits of the state as may be deemed expedient, the motion to recommit was lost, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Ten Eyck,	
Mr. Clark,			4

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Ellis,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,	Mr. Summers,	9

Mr. Comstock moved to strike out sections one and two; while the motion was pending, the bill, on motion of Mr. Britain, was laid on the table.

The Senate, on motion of Mr. McDonell, took up the resolution entitled "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money;" and the question being on ordering the same to be engrossed for third reading, the engrossing of said resolution was dispensed with, and the resolution was read a third time and passed.

And the Senate, on motion of Mr. Hough, then adjourned.

Thursday, January 26, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Rumsey.

Mr. Manning presented the petition of inhabitants of St. Clair county, for a law making captains and owners of vessels liable for trespasses committed by their seamen when on shore. Referred to the committee on the judiciary.

On motion of Mr. Moore, leave of absence was granted to Mr. Rumsey for to-day.

Mr. Raynale presented the petition of inhabitants of township six north, of ranges five and six east, for the organization of a new township. Referred to the committee on towns and counties.

Mr. Clark presented the petition of Hannah Gallagher, praying for an act authorizing her to dispose of certain real estate. Referred to the committee on the judiciary.

Mr. Raynale, from the committee on incorporations, to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the village of Coldwater, in the county of Branch," reported the same back to the Senate without amendment.

Mr. Raynale, from the committee on incorporations, to whom had been referred a petition of inhabitants of New Buffalo for a railroad from New Buffalo to Terra Coupee, moved that the committee be discharged from the further consideration of said petition, which was agreed to: and the petition, on motion of Mr. Raynale, was committed to the committee on internal improvements.

Mr. Raynale, from the committee on incorporations, to whom had been referred the bill entitled "A bill to incorporate the stock-

holders of the Bank of Saginaw," reported the same back to the Senate without amendment.

Mr. Raynale, from the committee on incorporations, to whom had been referred certain petitions for a state bank, reported a bill entitled "A bill incorporating a bank to be established in Detroit, under the style and title of the Bank of the commonwealth of Michigan:" which bill having been read a first and second times, was laid on the table and ordered to be printed.

Mr. Raynale, from the committee on incorporations, to whom had been referred sundry petitions for a bank at Grand Rapids, brought in a bill entitled "A bill to incorporate the Bank of Grand River;" which bill having been read a first and second times, was committed to committee of the whole.

The Senate then concurred in the amendment made by the House of Representatives to the resolution relative to a daily mail on certain routes.

Mr. Hough, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Lenawee county mutual insurance company; and Messrs. Hough, Britain and McDonell were appointed a committee to bring in said bill.

Mr. Comstock gave notice that he would ask leave on some future day to bring in a bill to incorporate the Port Sheldon and Grand Rapids railroad company.

On motion of Mr. Ellis,

The bill from the House of Representatives, entitled "A bill to incorporate the village of Coldwater in the county of Branch," was committed to the committee on the judiciary.

On motion of Mr. Britain,

The bill from the House of Representatives entitled "A bill to vacate the present seat of justice of the county of Berrien," was committed to the committee on towns and counties.

Mr. Raynale gave notice that, on some future day, he would ask leave to bring in a bill to vacate the present seat of justice of the county of Shiawassee.

The question on ordering to be engrossed the bill entitled "A bill to regulate the construction of mill-dams across the navigable rivers and streams of this state," being in order, the bill, on motion of Mr. Ellis, was laid on table.

On motion of Mr. Comstock,

The bill entitled "A bill to incorporate the stockholders of the Bank of Saginaw," was committed to committee of the whole.

The Senate, on motion of Mr. Britain, took up the bill entitled "A bill to incorporate the stockholders of the Bank of Niles:" whereupon, Mr. Comstock moved that the Senate now resolve itself into committee of the whole on said bill, which was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,

Mr. Comstock,
Mr. Cooper,

Mr. Moore,

5

NAYS.

Mr. Clark,
Mr. Davis,
Mr. Ellis,
Mr. Hough,

Mr. Summers,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Raynale,
Mr. Ten Eyck,

10

And the bill, on motion of Mr. Britain, was committed to the committee of the whole.

The Senate, on motion of Mr. Ellis, took up the bill entitled "A bill to regulate banking associations:" and the bill, on motion of Mr. Ellis, was committed to committee of the whole.

The Senate, on motion of Mr. Ellis, took up the bill entitled "A bill to amend the several acts relative to the supreme court, circuit court, and court of chancery of this state;" and the question recurring on striking out sections one and two of the bill, the question was lost.

Mr. Barry moved to amend the bill by striking out in section three, lines one and two, the words "all suits at law, certioraries and other proceedings, and also," which motion prevailed; and the bill, on motion of Mr. Britain, was recommitted to the committee on the judiciary.

A message was received from the House of Representatives, through their clerk, as follows :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I am instructed to transmit to the Senate for its concurrence, "A bill to authorize the supervisor and township clerk of the township of Marshall to levy a tax on property assessed therein in 1836;" also, "A bill to authorize the Governor to appoint a private secretary;" also, "A joint standing rule of

the Senate and House of Representatives of the state of Michigan," all of which have passed that body.

I also herewith return to the Senate without amendment "A bill to authorize David Gilbert, a minor, to sell and convey land therein described."

The bill from the House of Representatives, entitled "A bill to authorize the supervisor and township clerk of the township of Marshall to levy a tax on property assessed therein in 1836," was read a first and second time, and on motion of Mr. Comstock, committed to the committee on the judiciary.

The bill from the House of Representatives, entitled "A bill to authorize the Governor to appoint a private secretary," having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

The joint rule adopted by the House of Representatives, having been read, Mr. Comstock moved to amend by striking out the words "three days," and inserting "one day;" before the question on the amendment was taken, the rule, on motion of Mr. Barry, was laid on the table.

The President announced a message from the Executive, on executive business, also a message approving a certain resolution, being as follows:

To the Senate:

I have this day approved and filed in the office of the Secretary of State, "A joint resolution instructing our senators and representative relative to light-houses and harbors."

STEVENS T. MASON.

January 26th, 1837.

The Senate, on motion of Mr. Ellis, took up the resolution entitled "A resolution directing the publication of the laws;" and the resolution, on motion of Mr. Ellis, was amended by adding thereto the words "in the county of St. Joseph."

And the resolution as amended, was then, on motion of Mr. Barry, ordered to a third reading; and the bill being on third reading, Mr. McDonell moved that the blank in the eleventh line be filled with the words "in the Free Press," which motion prevailed. The blank in line twelve, on motion of Mr. Ellis, was filled with the words "Monroe Times;" the blank in line thirteen, on motion of Mr. Britain, was filled with the words the "Niles Ga-

zette:" the blank in line fourteen, on motion of Mr. Moore, was filled with the words the "Michigan Argus:" the blank in line fifteen, on motion of Mr. Comstock, was filled with the words the "Michigan Statesman:" the blank in line sixteen, on motion of Mr. Hough, was filled with the words the "Tecumseh Democrat:" the blank in line seventeen, on motion of Mr. Manning, was filled with the words the "Democratic Balance:" the blank in line nineteen, on motion of Mr. Cooper, was filled with the words the "Calhoun County Patriot:" the blank in line twenty, on motion of Mr. Barry, was filled with the words the "Constantine Republican:" the blank in line eighteen, on motion of Mr. Clark, was filled with the words the "Huron Observer."

And the resolution having been read the third time, and the several blanks having been filled, the resolution thereupon passed the Senate.

The Senate, on motion of Mr. Britain, took up the bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties," and the bill, on motion of Mr. Britain, was committed to committee of the whole.

The Senate, on motion of Mr. Britain, then took up the bill entitled "A bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal;" and the bill, on motion of Mr. Britain, was committed to committee of the whole.

A message was received from the Executive, through his private secretary, on executive business.

The Senate, on motion of Mr. Clark, took up the report of the committee on state prisons; and the resolutions accompanying said report having been read a first and second times, the report and resolutions, on motion of Mr. Barry, were committed to committee of the whole.

And the Senate, on motion of Mr. Hough, thereupon went into committee of the whole, Mr. Moore in the chair, on said report and resolutions, and after some time spent therein, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Raynale, from the committee on incorporations, to whom had been committed the bill entitled "A bill to amend an act en-

titled 'An act to incorporate the Oakland county bank.' reported the same back with an amendment, as a substitute for said bill, and to take the place of the first section of the original bill; and the bill and amendment, on motion of Mr. Davis, were committed to committee of the whole.

And the Senate, on motion of Mr. Comstock, then adjourned.

Friday, January 27, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Davis, Raynale and Rumsey.

On motion of Mr. Hough, leave of absence was granted to Messrs. Raynale and Rumsey, for to-day, and Mr. Davis until Monday next.

Mr. Britain presented sundry remonstrances of inhabitants of Berrien county, against the removal of the seat of justice of said county. Referred to the committee on towns and counties.

Mr. Barry presented the petition of citizens of Ionia county, for permission to build a dam across Grand river. Referred to the committee on incorporations.

Mr. Cooper presented the petition of T. E. Gidley and others, of Jackson county, for a bank at Jacksonburgh. Referred to the committee on incorporations.

Mr. Barry presented the petition of citizens of Ionia county, for a bank to be located at the county seat of that county. Referred to the committee on incorporations.

Mr. Barry presented the petition of citizens of Ionia county, for the organization of that county, and for the division of the same into two townships. Read and referred to the committee on towns and counties.

Mr. Hough, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Lenawee county mutual insurance company," which bill having been read a first and second times, was, on motion of Mr. Hough, laid on the table and ordered to be printed.

Mr. McDonell, in pursuance of previous notice, asked and obtained leave to bring in a bill relative to the state penitentiary ;

and Messrs. McDonell, Ellis and Hough were appointed a select committee to bring in said bill.

Mr. Cooper, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate a bank at Jacksonburgh; and Messrs. Cooper, Moore and Manning were appointed a committee to bring in said bill.

Mr. Ellis submitted the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That it is made the duty of the Attorney General of this state to reside at the seat of government, and in case he shall fail so to do, his office shall be deemed to have been vacated.

Said resolution having been read, was, on motion of Mr. Ellis, committed to the committee on the judiciary.

Mr. Ellis laid the following resolution on the table:

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of providing,

1st. For the appointment, by a joint vote of both houses of the legislature, of a board of commissioners of internal improvement, to consist of five or seven members;

2d. Authorizing the Executive to employ a corps of engineers to survey three routes through the northern, southern and middle counties of the state, as thoroughfares of internal communication, to be located and commenced with all convenient despatch;

3d. Providing for a loan of three or five millions of dollars, to be called for from time to time as may be wanted, to be expended in works of internal improvement; and that said committee be instructed to report by bill or otherwise.

The general orders of the day being then in order, the Senate resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled "A bill to repeal an act entitled 'An act to provide for establishing seats of justice;'" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

Mr. McDonell moved to lay the bill on the table, which motion did not prevail; and the bill was thereupon ordered to be engrossed for third reading by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Summers,	
Mr. Clark,	Mr. Manning,	Mr. Ten Eyck,	
Mr. Comstock,	Mr. McKey,		11

NAYS.

Mr. Cooper,	Mr. McDonell,	2
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The Senate then resolved itself into committee of the whole, Mr. Clark in the chair, on the bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The President announced messages from the House of Representatives, received through their clerk, as follows:

Mr. PRESIDENT—In accordance with the rules of the House of Representatives, I herewith return to the Senate, with whom it originated, a bill entitled "A bill to extend the time for the collection and payment of certain taxes therein named," with sundry amendments made thereto by the House of Representatives, in which they respectfully ask the concurrence of the Senate.

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit and return the bill entitled "An act authorizing the board of supervisors of the county of Lapeer to loan a certain sum of money," with the amendments made thereto by the Senate, with certain amendments made to said amendments by the House of Representatives, and in which they respectfully ask the concurrence of the Senate.

The President also announced sundry messages received from the Executive, through his private secretary, on executive business.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled "An act to authorize David Gilbert, a minor, to sell certain lands therein described."

The Senate, on motion of Mr. Clark, then went into executive session.

When the doors were opened,

The Senate, on motion of Mr. Hough, adjourned.

Saturday, January 28, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Manning, Rumsey; absent on leave, Mr. Davis.

On motion of Mr. Summers, leave of absence was granted to Mr. Manning, for to-day; and on motion of Mr. Cooper, leave of absence was also granted to Mr. Rumsey.

Mr. Britain presented the remonstrance of inhabitants of Berrien county, against the removal of the seat of justice of said county. Referred to the committee on towns and counties.

Mr. Cooper presented the petition of Jas. Ganson and others, for a bank at Jacksonburgh. Referred to the committee on incorporations.

Mr. McDonell presented an affidavit of John Southard, county surveyor of Oakland county, relative to the seat of justice of the county of Shiawassee. Read and referred to the committee on towns and counties.

Mr. McDonell, from the select committee appointed for that purpose, brought in a bill entitled "A bill relative to the state penitentiary of Michigan;" which bill having been read a first and second times, was committed to committee of the whole.

The enrolled bill entitled "An act to authorize David Gilbert, a minor, to sell certain land therein described," was this day presented to the Governor for his signature.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled "A bill to provide for the collection of demands against boats and vessels;" which bill having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on the judiciary.

The amendments made by the House of Representatives, to the amendments made in Senate, to the bill from the House of Representatives, entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money;" having been taken up, the Senate non-concurred in the amendment made by the House to the third amendment of the Senate, being to strike out "November," and insert "April."

The amendments made by the House of Representatives to the bill from the Senate, entitled "A bill to extend the time for

the collection and payment of certain taxes therein named," having been taken up, said amendments were severally concurred in by the Senate.

Mr. Hough gave notice that he would, at some future day, ask leave to bring in a bill to amend an act entitled "An act fixing the rate of toll for grinding," approved April 12th, 1827.

Mr. McDonell submitted the following preamble and resolution, which, on motion of Mr. McDonell, were referred to the committee on state affairs :

Whereas, the legislature of Michigan do consider the course pursued by the national government, relative to her political relations, as hostile to the rights of the state, and as injurious to her dearest interests :

1st. With a population exceeding that of Rhode Island, Arkansas and Delaware.

2d. With a strict compliance with the ordinance of 1787.

3d. With a constitution of state government, republican in its character.

And whereas, for an unnecessary protracted period, her admission to the benefits of the confederacy of free and sovereign states, has been unjustly delayed, and her interests subject to national legislation, without a voice or a vote ; and whereas, with all the injury consequent upon delaying the hearing of her cause—being *general* in its character, and charitably attributable to the unavoidable evils inseparably attendant upon republican legislation and free discussion—forbearance was duty—and calm and patient submission, the unerring dictate of wisdom :

But nevertheless—whereas, in social and political life, there is a point beyond which man cannot venture without the sacrifice of honor and the perilous surrender of right :

And whereas, it appears by a late act of the general post office department of the United States, that punishment for opinion's sake is to be visited in vengeance upon one portion of this beautiful, but much persecuted peninsula, by taking from the commercial metropolis of the state the distributing post office, with which they have been heretofore favored, and by a testimony of ministering power to the neglect of right, and adding insult to injustice—the same has been removed from the city of Detroit

to the incommodious village of Toledo, on the Maumee river : Therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators and representative in Congress be, and they are hereby, instructed to remonstrate against this act of injustice and insult, and insist upon a restoration of the privileges heretofore possessed by the city of Detroit in the premises.

The engrossed bill entitled "A bill to repeal an act entitled 'An act to provide for establishing seats of justice,'" having been read a third time, Mr. McDonell, seconded by a majority, moved to amend by adding to the bill as follows :

"That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby, repealed."

Which amendment having been lost, the bill thereupon passed the Senate.

A message was received from the House of Representatives, through their clerk, as follows :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return to the Senate, without amendment, "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money."

The President announced a message from the Executive, received through his private secretary, on executive business, and a message approving a certain act therein named, as follows :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, "An act to authorize David Gilbert, a minor, to sell certain land therein described."

STEVENS T. MASON.

January 28, 1837.

The Senate then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill from the House of Representatives, entitled "A bill to authorize the Governor to appoint a private secretary ;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

Mr. Barry moved to amend by inserting after the word "em-

ploy," section one, line four, "during each session of the legislature," which motion did not prevail; the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	3
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NAYS.

Mr. Britain,	Mr. Cooper,	Mr. McKey,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. McDonell,		8

Mr. Clark moved to amend by striking out the word "five," section two, line two, and inserting "eight," which amendment was lost, by yeas and nays, as follows:

YEAS.

Mr. Clark,	Mr. Comstock,	Mr. Ellis,	3
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NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Britain,	Mr. McDonell,	Mr. Raynale,	
Mr. Cooper,	Mr. McKey,		8

And the bill was thereupon ordered to third reading.

The Senate then resolved itself into committee of the whole, Mr. Clark in the chair, on the bill entitled "A bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

And the bill, on motion of Mr. Comstock, was committed to the committee on the judiciary.

A message was received from the Executive, through his private secretary, on executive business.

And the Senate, on motion of Mr. Barry, then went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. Moore, adjourned.

Monday, January 30, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent Messrs. Manning, Rumsey and Summers.

On motion of Mr. Hough, leave of absence was granted to Mr. Rumsey, during his present sickness.

Mr. McDonell, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the stockholders of the Savings bank of Michigan;" which bill having been read a first and second times, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Raynale gave notice that he would ask leave, on a future day, to bring in a bill to organize the county of Shiawassee, and attach the county of Clinton to the same for judicial purposes.

Mr. Davis, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the stockholders of the Wayne county bank at Plymouth; and Messrs. Davis, Comstock and Cooper were appointed a committee to bring in said bill.

Mr. Davis, from said committee, brought in a bill entitled "A bill to incorporate the stockholders of the Wayne county bank, at Plymouth," which bill, having been read a first and second times, was, on motion of Mr. Davis, committed to committee of the whole.

Mr. Raynale, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend the fifteenth section of an act to provide for the assessment and collection of township and county taxes; and Messrs. Raynale, Britain and Barry were appointed a committee to bring in said bill.

Mr. Comstock, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Port Sheldon and Grand Rapids railroad company; and Messrs. Comstock, Davis and Cooper were appointed a committee to bring in said bill.

Mr. Comstock, from said committee, brought in a bill entitled "A bill to incorporate the Port Sheldon and Grand Rapids railroad company," which bill, having been read a first and second times, was, on motion of Mr. Comstock, committed to the committee on internal improvements.

The bill from the House of Representatives, ordered to a third reading, entitled "A bill to authorize the Governor to appoint a private secretary," having been read a third time, Mr. Barry moved to commit the bill to the committee on state affairs, which motion did not prevail; Mr. Clark moved to lay the bill on the table, which motion was also lost, and the bill then passed the Senate by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McKey,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,			4

The general orders of the day being in order, the Senate then again resolved itself into committee of the whole, Mr. Clark in the chair, on the bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties," and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

The question being on concurring in the first amendment made in committee of the whole, to strike out, section one, line three, the word "law," and insert "joint vote of both branches of the legislature," Mr. Britain moved a call of the Senate, whereupon, on motion of Mr. Clark, leave of absence was granted to Messrs. Manning and Summers, for to-day.

On the call being made, there was absent Mr. McDonell; absent on leave, Messrs. Manning, Rumsey and Summers.

And on motion of Mr. Comstock, the sergeant-at-arms was requested to invite Mr. McDonell to his seat in the Senate chamber.

The bill, on motion of Mr. Barry, was laid on the table.

The Senate then resolved itself into committee of the whole, Mr. Comstock in the chair, on the report of the committee on state prisons, and the bill entitled "A bill relative to the state penitentiary of Michigan;" and after some time spent thereon,

the committee rose, and through their chairman reported the same back to the Senate, with an amendment, as a substitute for the resolutions accompanying the report of the committee on state prisons, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment, being as follows: to strike out all after the word "Resolved," and insert "That it is expedient that the legislature do provide by law, at its present session, for the erection of a state penitentiary."

A message was received from the House of Representatives, through their clerk, as follows:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate, for their concurrence, a bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26th, 1836."

Said bill from the House of Representatives was thereupon read a first and second times, and on motion of Mr. Britain, committed to committee of the whole.

And the Senate then resolved itself into committee of the whole, Mr. Ellis in the chair, on said bill; and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, without amendment.

And the bill, on motion of Mr. Barry, was committed to the committee on roads and bridges.

The Senate, on motion of Mr. Hough, took up the resolution from the House of Representatives, entitled "A joint resolution allowing the commissioner appointed to prepare, digest and arrange a code of laws for the government of the people of this state, further time to report the result of his labors in the premises;" Mr. Ellis moved to strike out, line five, the word "October," and insert "January," which motion was decided in the negative by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Comstock,

Mr. Ellis,

Mr. McKey,

4

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Ten Eyck,	9

Mr. Barry moved to amend by striking out "the first Monday of October," and inserting "Thursday, the ninth day of November;" while the question was pending, the bill and proposed amendment, on motion of Mr. Barry, were laid on the table.

The Senate, on motion of Mr. Ellis, took up the bill entitled "A bill to regulate the construction of mill-dams across the navigable rivers and streams of this state;" and the bill, on motion of Mr. Ellis, was amended by striking out all after the word "mark," and inserting "and requiring the construction of a lock or locks of sufficient dimensions to admit the convenient passage of all boats and other water-craft usually navigating or passing along such stream or river;" and the bill, on motion of Mr. Ellis, was further amended by inserting, section three, line two, after the word "receive," the words "from the applicant."

Mr. Hough moved the indefinite postponement of the bill; before the question was taken, the bill, on motion of Mr. McDonell, was laid on the table.

The Senate, on motion of Mr. McKey, took up the bill entitled "A bill to amend an act entitled 'An act to regulate highways,' approved April 17, 1833."

On motion of Mr. Barry, the bill was amended by striking out section four, which section was in the words following:

"Sec. 4. That so much of section eight and twenty-six of the aforesaid act which is repugnant to this act, be, and the same is hereby, repealed."

On motion of Mr. McKey, the bill was further amended by striking out, section two, line three, the word "this," and inserting in lieu thereof the word "said."

Mr. Hough moved to amend by inserting, section two, line four, after the word "dollars," the words "and twenty-five cents," which amendment was lost, the question being decided in the negative by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,		5

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Ten Eyck,	
Mr. Cooper,	Mr. McKey,		8

Mr. Barry moved to amend by striking out, section one, all after the enacting clause, being the words following :

“ That so much of the fifth section of the act to which this is an amendment as provides ‘ That no person be assessed to work on the highways more than fifty days in any one year in any one township,’ be, and the same is hereby, repealed.”

Said amendment was also lost, the question being decided in the negative by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McDonell,	Mr. Ten Eyck,	3
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NAYS.

Mr. Britain,	Mr. Davis,	Mr. McKey,	
Mr. Clark,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,			10

On motion of Mr. Ellis, the word “ That,” at the beginning of sections two and three, was stricken out.

On motion of Mr. Ellis, the word “ notice,” after the word “ days,” section three, line five, was also stricken out.

On motion of Mr. McKey, the bill was further amended by inserting, section three, line ten, after the word “ all,” the word “ other ;” and after the word “ respects,” the words “ in relation thereto ;” and on motion of Mr. Ellis, by striking out, section three, line ten, the word “ aforesaid,” and the word “ and.”

Mr. Britain moved to commit the bill to the judiciary committee, with instructions to inquire what amendments be necessary to the bill, and to the laws now in force to enable the state to tax equally the property of residents and non-residents ; and also the propriety of providing for a land tax for the improvement of roads.

Mr. Barry moved to amend said motion by striking out the "judiciary committee," and substituting the "committee on roads and bridges," which amendment prevailed; and the bill was committed to said committee with the above instructions.

The Senate, on motion of Mr. Clark, then adjourned.

Tuesday, January 31, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Rumsey.

Mr. Davis presented the petition of A. H. Stowell and M. Story, for relief. Read and referred to the committee on finance.

Mr. Davis presented the petition of inhabitants of Livonia and Farmington, for the repeal of so much of an act as authorizes the appointment of commissioners to lay out a certain state road. Referred to committee on roads and bridges.

Mr. Hough, from the committee on roads and bridges, to whom had been committed the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836," reported the same back to the Senate without amendment.

And the bill was thereupon ordered to a third reading.

Mr. McKey, from the committee on towns and counties, to whom had been referred certain petitions of citizens of Ionia county, brought in a bill entitled "A bill to organize the county of Ionia, and to divide said county for temporary purposes into two townships," which bill having been read a first and second times, was, on motion of Mr. McKey, committed to committee of the whole.

Mr. Davis, from the committee on the militia, to whom had been referred so much of the Governor's message as relates to the organization of the militia, made a report thereon, and brought in a bill entitled "A bill to organize the militia," which bill having been read a first and second times, was, on motion of Mr. Cooper, laid on the table and ordered to be printed.

(See Senate Document No. 14.)

Mr. McDonell laid the following joint resolution on the table:

Resolved by the Senate and House of Representatives of the State of Michigan, That the library belonging to the state, shall be, and the same is hereby, placed under the charge of the private secretary of the Governor, for the benefit and accommodation of the members of both houses of the legislature, subject to such rules and regulations as he may establish under the direction of the Governor and approved of by the legislature.

And the said secretary is hereby directed to cause all books belonging to the library, to be forthwith accounted for or returned, as far as it is practicable, and to exhibit a statement of all that are missing, as near as he can ascertain, and to report the rules and regulations by which he shall be governed in the letting of books.

Mr. Hough submitted the following resolution:

Resolved, That when the Senate adjourn, it do adjourn to meet at nine o'clock to-morrow morning, and that they continue to meet at that hour until otherwise ordered.

Mr. Barry moved to amend said resolution, by substituting the following:

Resolved, That on and after Thursday next, the Senate hold two sessions each day, commencing at ten o'clock, A. M. and half past two o'clock, P. M.

While the question on said amendment was pending, the resolution and proposed amendment, on motion of Mr. McDonell, were laid on the table.

Mr. Ellis submitted the following resolution:

Resolved, That the judiciary committee be instructed to bring in a bill to provide for the election of Governor and Lieutenant Governor and members of the legislature, representative to Congress, and such other officers as they may deem proper.

On motion of Mr. Barry, the "judiciary committee," was stricken out, and the "committee on elections," substituted in lieu thereof; and the resolution, as amended, was thereupon adopted.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled, "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money," and a bill entitled "An act to extend the time for the collection and pay-

ment of taxes therein named," which resolution and bill were thereafter this day presented to the Governor for his signature.

The bill from the House of Representatives, reported back to-day from the committee on roads and bridges, and ordered to third reading, was read a third time and passed.

The Senate then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to regulate banking associations;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The President announced a communication from the Governor, transmitting a petition of certain persons for the raising of the seminary location on the reserve opposite Niles, in Berrien county.

(See Senate Document No. 15.)

The President also announced a message from the Executive, on executive business, and a message relative to certain acts, and a resolution therein named, in the words following:

To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

"An act to authorize the Governor to appoint a private secretary ;"

"An act to extend the time for the collection and payment of certain taxes therein named ;"

And also, "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money."

STEVENS T. MASON.

January 31st, 1837.

The President also announced a message from the House of Representatives, received through their clerk, as follows :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate the following named bills, which have passed that body, and in which they respectfully asked the concurrence of the Senate :

"A bill to amend an act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors and others,' approved July 25, 1836 ;"

"A bill to provide for keeping the records of lands sold for taxes;" and

"A bill to provide for a geological survey of the state."

And the Senate, on motion of Mr. Clark, then went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. Moore, adjourned.

Wednesday, February 1, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Cooper and Ten Eyck; absent on leave, Mr. Rumsey.

On motion of Mr. Hough, leave of absence was granted to Mr. Ten Eyck, for to-day; and on motion of Mr. Moore, leave of absence was also granted to Mr. Cooper, for to-day.

Mr. McDonell presented the petition of citizens of the county of Saginaw and the country attached thereto, for a new county to be formed from the counties of Saginaw and Midland. Referred to the committee on towns and counties.

Mr. Britain presented the affidavit of certain persons in Berrien county, relative to the removal of the seat of justice of said county. Referred to the committee on towns and counties.

Mr. Hough, from the committee on roads and bridges, to whom had been referred a petition for the repeal of a certain section of an act appointing commissioners to lay out and establish certain state roads, approved March 28, 1836, brought in a bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836;" which bill, having been read a first and second times, was, on motion of Mr. Hough, committed to committee of the whole.

Mr. Barry, from the committee on the judiciary, to whom had been referred the petition of Calvin and Pamela Berthelet, for authority to convey the real estate of Amos C. Berthelet, an infant son, reported adverse to action on said petition, and moved that the petitioners have leave to withdraw their petition, which leave was granted.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to authorize the supervisor and township clerk of the township of Marshall, to levy a tax on property assessed therein in 1836," reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments, and the bill was ordered to a third reading.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill entitled "A bill to provide for the collection of demands against boats and vessels," reported the same back to the Senate, without amendment, and moved that the bill be laid on the table and printed, which motion prevailed.

Mr. Raynale, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to regulate the assessment and collection of taxes ;' " which bill, having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

The message from the Governor, received yesterday, transmitting certain documents relative to the seminary lands located on the reservation opposite Niles, in Berrien county, having been read, the message and accompanying documents were, on motion of Mr. McDonell, referred to the committee on state affairs.

The message from the Governor, being in the words following :

To the Senate and House of Representatives :

I transmit for the consideration of the legislature, the remonstrance of the pre-emption claimants on the Niles reservation, asserting their title to lands which have been selected by the state for state purposes, under the act of July 25, 1836. The remonstrance seems to be intended for the action of the Executive; but as his power over the subject was exhausted so soon as the lands were selected by him for the state, the whole matter is referred to the legislature for their consideration.

The claimants set forth fully, in their remonstrance and the accompanying document addressed to the President of the United States, the grounds upon which their right to the pre-emption of these

lands is based. With this, however, the state of Michigan can have no concern, as it is a question exclusively within the province of the federal government to determine upon the validity of those claims.

I have endeavored to give the subject submitted by the claimants a careful investigation ; and with every desire to lend my aid in protecting the rights of the actual settler, I have been unable to determine upon any course of procedure, which could at present be adopted, without jeopardizing the claims of the state to the lands in question, as well as those of the individual claimants themselves.

It is true, the state might, with the approbation of the secretary of the treasury of the United States, release her claims to these lands ; but were this done, the rights of the pre-emption claimants would only be placed in a more hazardous condition by the procedure.

Their claims are now before the government of the United States for confirmation, and should it be determined that they are valid, the claim of the state, under her location, must of course become void. The selections of the state have not as yet been confirmed, and in all probability will not, until a final disposition is made of the conflicting individual claims to the same lands.

Should the pre-emption claims be rejected, the selections of the state will, and should be, confirmed. It is far better for the interests of the individual claimants, in the event of failure in securing their possessions, that the state should become the proprietor of the lands, than that they should be brought into market, and made a contested object of purchase between speculators. If the lands in question should, under a sale by the government of the United States, become the property of individual purchasers, the pre-emption claimant can expect no relief ; with the state he would have an equitable claim to payment for his improvements ; a claim which the state, I am satisfied, would not feel disposed to disregard. With this view of the subject, it is submitted to the legislature to adopt such measures as their better judgment may suggest.

STEVENS T. MASON.

January 30, 1837.

(See Senate Document No. 15.)

The bill from the House of Representatives, entitled "A bill to provide for a geological survey of the state," having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to provide for keeping records of lands sold for school taxes," having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors and others,' approved July 25, 1836," having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

Mr. Comstock submitted the following joint resolution, which was adopted by the Senate :

Resolved, That a joint committee be appointed, composed of three members of the Senate and five of the House of Representatives, to report what disposition shall be made by the state, of the moneys to be received from the general government.

Mr. Manning gave notice that, at a future day, he would ask leave to bring in a bill to incorporate the Owasso and Saginaw navigation company.

On motion of Mr. Moore,

Resolved, That the committee on towns and counties be instructed to inquire into the expediency of bringing in a bill requiring the supervisors of the several organized towns within this state, to purchase and designate a sufficient quantity or quantities of land to be owned and kept for burying ground for the interment of the dead, within each surveyed township.

On motion of Mr. Britain,

Resolved, That the committee on roads and bridges be instructed to inquire what amendment of the laws now in force be necessary to insure the collection of highway taxes levied upon non-resident lands.

Mr. Raynale, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the removal of the county seat of Shiawassee county ; and Messrs. Raynale, Britain and Barry were appointed a committee to bring in said bill.

On motion of Mr. Manning, the report of the select committee on so much of the Governor's message as relates to the River Raisin and Lake Erie railroad company, was committed to committee of the whole.

On motion of Mr. Britain, the vote on adopting the resolution relative to a joint committee on the surplus revenue, was reconsidered; and the resolution, on motion of Mr. Comstock, was laid on the table.

The bill from the House of Representatives, reported back this day from the committee on the judiciary, and ordered to a third reading, was read a third time and passed.

The Senate then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill entitled "A bill to organize the county of Ionia, and to divide the same into two townships for temporary purposes;" and after some time spent thereon, the committee rose and reported the same back to the Senate.

And the bill, on motion of Mr. Barry, was recommitted to the committee on towns and counties.

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,'" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

And the bill was thereupon ordered to be engrossed for third reading.

The following message was received from the Executive, through his private secretary, C. C. Jackson, transmitting certain proceedings of the legislature of the state of Georgia in relation to the surplus revenue of the United States:

To the Senate and House of Representatives:

In compliance with the request of the governor of the state of Georgia, I herewith transmit to the Senate and House of Representatives, the report and resolution of the legislature of that state, on the subject of the surplus revenue of the United States.

STEVENS T. MASON.

Feb. 1, 1837.

(See Senate Document No. 16.)

The message and documents having been read, were, on motion of Mr. Hough, referred to the committee on finance.

And the Senate, on motion of Mr. Ellis, then adjourned.

Thursday, February 2, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Comstock; absent on leave, Mr. Rumsey.

Mr. Raynale, from the select committee appointed for that purpose, brought in a bill entitled "A bill to vacate the present seat of justice of the county of Shiawassee," which bill, having been read a first and second times, was, on motion of Mr. Raynale, committed to the committee on towns and counties.

Mr. Manning, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Owasso and Shiawassee navigation company; and Messrs. Manning, Moore and Clark were appointed a committee to bring in said bill.

The engrossed bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836," was read a third time and passed.

The Senate then again resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to regulate banking associations;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Summers moved that the Senate do now adjourn; the yeas and nays being called for, Mr. Clark moved a call of the Senate, which not being sustained, the motion to adjourn was decided in the affirmative by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. Davis,
Mr. Ellis,

Mr. Manning,
Mr. McDonell,
Mr. Moore,

Mr. Summers,
Mr. Ten Eyck,

8

NAYS.

Mr. Clark,

Mr. McKey,

Mr. Raynale,

3

And the Senate then adjourned.

Friday, February 3, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Cooper ; absent on leave Mr. Rumsey.

On motion of Mr. Moore, leave of absence was granted to Mr. Cooper, for to-day.

Mr. McKey, from the committee on towns and counties, to whom had been committed the bill from the House of Representatives entitled " A bill to vacate the present seat of justice of the county of Berrien," together with sundry petitions and remonstrances of inhabitants of Berrien county, relative to the removal of the seat of justice of said county, reported said bill back to the Senate without amendment.

And the bill, on motion of Mr. Raynale, was committed to committee of the whole.

Mr. McDonell presented petitions of sundry inhabitants of Berrien county, praying for the removal of the seat of justice of said county. Referred to committee of the whole.

The President announced a message from the House of Representatives, received through their clerk, as follows :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate " A bill to incorporate the Lenawee county mutual fire insurance company," which has passed the House of Representatives, and in which they respectfully ask the concurrence of the Senate.

The above bill from the House of Representatives, was thereupon read a first and second times.

Mr. Ellis moved to commit the bill to the committee on the judiciary, which motion did not prevail ; and the bill, on motion of Mr. Barry, was committed to the committee on incorporations.

On motion of Mr. Hough, the bill originating in the Senate, entitled " A bill to incorporate the Lenawee county mutual in-

surance company," was committed to the committee on incorporations.

On motion of Mr. McDonell,

Resolved, That a select committee of five be appointed to inquire into the expediency of changing the whole of the present system for the assessment and collection of state, county, township and road taxes, and to assimilate, as near as may be, the government and management of the fiscal concerns thereof to the best system adopted by some of the western adjoining states for that purpose, and to report by bill or otherwise.

And Messrs. McDonell, Barry, Ellis, Moore and Manning were appointed said committee.

The Senate then again resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to regulate banking associations," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The President announced two messages from the Executive, received through his private secretary, one on executive business, and another in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836."

STEVENS T. MASON.

Feb. 2, 1837.

The President also announced a communication from one of our senators in the Congress of the United States, which having been read, was, on motion of Mr. McDonell, ordered to be entered on the journal, being in the words following :

Washington, Jan. 25, 1837.

SIR—I have the honor to inform the Senate, through you, that the bill for the admission of the state of Michigan into the Union, as it passed the Senate of the United States, has this evening

finally passed the House of Representatives, and will to-morrow receive the signature of the President and become a law.

I have the honor to be,

Very respectfully,

Your most obed't servant,

JOHN NORVELL.

Hon. EDWARD MUNDY,

Lieut. Governor and President of the Senate.

And the Senate, on motion of Mr. Hough, then adjourned.

Saturday, February 4, 1837.

The Senate met pursuant to adjournment.

Mr. Cooper presented the petition of E. P. Hastings and A. Beers, relative to building a dam across Grand river. Referred to the committee on internal improvement.

Mr. Davis, from the committee on the militia, to whom had been referred the petition of Ebenezer Hall and others, of Macomb county, to exempt all persons employed in glass factories from serving as jurors and performing military duty, returned said petition to the Senate, and moved that so much thereof as relates to exemption from serving as jurors, be referred to the committee on the judiciary ; which motion prevailed.

Mr. Ten Eyck presented the petition of sundry inhabitants of Genesee county, praying for the removal of the seat of justice of said county. Read and referred to the committee on towns and counties.

Mr. Raynale, from the committee on incorporations, to whom had been committed a bill granting banking powers to the River Raisin and Lake Erie railroad company, reported that they had had the bill under consideration, and made such amendments as in the opinion of the committee were important in the bill, at the same time wishing it expressly understood, that the committee have not been able to decide, satisfactorily to themselves, upon the propriety of granting the privileges called for, but with a view to bring the subject before the Senate, begged leave to report the bill.

Mr. Ellis moved that the bill be laid on the table and printed ;

which motion prevailed, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McDonell,	Mr. Rumsey,	
Mr. Britain,	Mr. McKey,	Mr. Summers,	
Mr. Ellis,	Mr. Moore,	Mr. Ten Eyck,	
Mr. Hough,	Mr. Raynale,		11

NAYS.

Mr. Clark,	Mr. Cooper,	Mr. Manning,	
Mr. Comstock,	Mr. Davis,		5

Mr. Hough gave notice that he would, on a future day, ask leave to bring in a bill to carry out the provisions of article twelve, section six, of the constitution, prohibiting the sale of lottery tickets within the state.

On motion of Mr. McDonell, the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," was committed to committee of the whole.

Mr. Raynale, in pursuance of previous notice, asked and obtained leave to bring in a bill to organize the county of Shiawassee ; and Messrs. Raynale, Rumsey and Britain were appointed a committee to bring in said bill.

Mr. Barry laid the following resolution on the table :

Resolved by the Senate and House of Representatives, That the legislature will adjourn on the 4th day of March next, to meet again on the day of next.

On motion of Mr. McDonell, the general orders of the day were postponed, for the purpose of taking up the joint resolution relative to the library, laid by him on the table on the 31st ult. ; and said resolution having been taken up, was adopted by the Senate, being as follows :

Resolved by the Senate and House of Representatives of the State of Michigan, That the library belonging to the state shall be, and the same is hereby, placed under the charge of the private secretary of the Governor, for the benefit and accommodation of the members of both houses of the legislature ; subject to such rules and regulations as he may establish under the direction of the Governor, and approved of by the legislature ; and the said secretary is hereby directed to cause all books belonging

to the library to be forthwith accounted for, or returned, as far as it is practicable, and to exhibit a statement of all that are missing, as near as he can ascertain; and to report the rules and regulations by which he shall be governed in the letting of books.

And the Senate then again resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to regulate banking associations;" and after some time spent thereon, the committee rose, and through their chairman reported the same to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Moore, then adjourned.

Monday, February 6, 1837.

The Senate met pursuant to adjournment.

Mr. Cooper presented the petition of Samuel Prescott and others, inhabitants of the township of Jacksonburgh, for a division of said township into three towns of six by eight miles. Referred to the committee on towns and counties.

Mr. Cooper also presented the petition of Rosevelt Davis and others, of Jacksonburgh, for a division of said township into three townships according to the original survey, and remonstrating against a division of said township into three townships of six by eight miles. Referred to the committee on towns and counties.

Mr. Ten Eyck presented the petition of sundry inhabitants of the township of Dearborn, for the location of a bank in Dearbornville. Referred to the committee on incorporations.

Mr. McKey presented the memorial of proprietors of the present county seat of Shiawassee county, and others, relative to said county seat. Read and referred to the committee on towns and counties.

Mr. Britain presented sundry petitions of inhabitants of Berrien county, asking the location of the county seat of said county to be submitted to the qualified electors of said county, on the first Monday of April next. Referred to the committee of the whole, when on the bill from the House of Representatives entitled "A bill to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien in said county."

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836."

Mr. Britain, from the committee on internal improvements, to whom had been committed the bill entitled "A bill to incorporate the Port Sheldon and Grand Rapids railroad company," reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment, being to add after the word "jurors," section twelve, line thirty-three, the words "to furnish a panel of twelve jurors."

And the bill, on motion of Mr. Ellis, was committed to the committee of the whole.

Mr. Britain, from the committee on internal improvements, to whom had been committed the bill entitled "A bill to incorporate the Tecumseh and Ypsilanti railroad company," reported the same back to the Senate without amendment; and the bill, on motion of Mr. Hough, was committed to the committee of the whole.

Mr. Britain, from the committee on internal improvements, to whom had been referred a petition of inhabitants of New Buffalo for a railroad from New Buffalo to Terre Coupee, brought in a bill entitled "A bill to incorporate the New Buffalo and Terre Coupee railroad company," which bill having been read a first and second times, was committed to the committee of the whole.

Mr. Britain, from the select committee to whom had been referred the petition of sundry inhabitants of Monroe, for a city charter, reported the same back to the Senate, and moved that said committee be discharged from the further consideration of the petition, which motion prevailed; and the petition, on motion of Mr. Britain, was referred to the committee on incorporations.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled "A bill to provide for the election of senators to the Congress of the United States," which bill having been read a first and second times, was, on motion of Mr. Britain, committed to the committee on elections.

Mr. Barry, from the committee on the judiciary, to whom had

been committed the bill from the House of Representatives entitled a bill to amend the several acts concerning the supreme court, circuit courts, and court of chancery," reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment, being to strike out the amendments previously adopted by the Senate, and add to section three, as follows :

"And the better to give effect to the provisions of this section, it shall be the duty of the said chancellor, in all cases in which he may be interested, or was concerned as counsel as aforesaid, and which cases would otherwise be and remain before him for trial or disposition, to cause to be inserted upon the journal and records of his said court, the fact of his being interested therein, or of his having been of counsel as aforesaid (as the case may be,) and thereupon to order the said suit, matter, or cause, to be transmitted as aforesaid to said supreme court of said state for the said first circuit, at the next term thereof, together with a certificate of the fact aforesaid, whereupon said supreme court shall forthwith thereafter take cognizance thereof."

And the bill was then ordered to third reading, and thereupon read a third time and passed.

Mr. McKey, from the committee on towns and counties, to whom had been recommitted the bill entitled "A bill to organize the county of Ionia, and to divide said county for temporary purposes into two townships," and sundry petitions of inhabitants of Van Buren county for the organization of said county, brought in a bill as a substitute for the above bill, entitled "A bill to organize the counties of Ionia and Van Buren ;" and said bill and substitute were committed to the committee of the whole.

Mr. Cooper, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the stockholders of the Bank of Jacksonburgh ;" which bill having been read a first and second time, was, on motion of Mr. Cooper, committed to the committee on incorporations.

Mr. Raynale, from the select committee appointed for that purpose, brought in a bill entitled "A bill to organize the county of Shiawassee, and attach the county of Clinton to the same for

judicial purposes ;" which bill having been read a first and second times, was, on motion of Mr. Raynale, committed to the committee on towns and counties.

Mr. Manning, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Owasso and Saginaw navigation company ;" which bill having been read a first and second times, was, on motion of Mr. Manning, committed to the committee on internal improvements.

The President announced a message from the Executive, received through his private secretary, in the words following :

To the Senate :

I have this day approved and signed "An act to authorize the supervisor and the township clerk of the township of Marshall to lay a tax on the property assessed therein in 1836."

STEVENS T. MASON.

February 4, 1837.

The President also announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. President—In pursuance of the rules of the House of Representatives, I herewith return to the Senate without amendment, "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836."

I also herewith transmit for the concurrence of the Senate, "A bill appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia," which has passed the House.

Said bill from the House of Representatives, was thereupon read a first and second times, and committed to the committee on roads and bridges.

On motion of Mr. Ellis,

Resolved, That the committee on the judiciary be instructed to inquire whether any amendment or alteration of the act relative to mortgages be necessary, in order to enable or require the sheriffs of the several counties of this state to execute deeds to purchasers under sales of premises mortgaged for the purchase money ; and that said committee be instructed to report by bill or otherwise.

Mr. Barry gave notice that, at some future day, he should ask leave to introduce a bill to regulate limited partnerships.

Mr. Hough, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act fixing the rate of toll for grinding; and Messrs. Hough, Ten Eyck and McDonell were appointed a committee to bring in said bill.

On motion of Mr. Barry, the joint resolution from the House of Representatives, allowing the commissioner appointed to revise the laws, further time to report to the legislature, and the resolution relative to adjournment, laid by him on the table on Saturday, were made the special order of the day for to-morrow.

On motion of Mr. Hough,

Resolved, That the committee on the militia be instructed to inquire into and report a system of tactics for the militia of this state.

The unfinished business of the day being in order, being the question on concurring in the amendments made in committee of the whole to the bill entitled "A bill to regulate banking associations," the Senate concurred in the several amendments made in committee of the whole to said bill, with the exception of the amendments made to the second section of the bill.

The question then being on the first amendment made to section second, being to strike out, line two, the words "one hundred" and insert "fifty," said amendment was thereupon adopted by yeas and nays, as follows:

YEAS.

Mr. Clark,	Mr. Davis,	Mr. McKey,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Rumsey,	
Mr. Britain,	Mr. McDonell,	Mr. Summers,	6

The question then being on the second amendment to section two, being to strike out, line three, the word "five" and insert "three," Mr. Comstock moved to amend by striking out "three" and inserting "one," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Comstock,	Mr. Cooper,	Mr. Raynale,	3
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NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Davis,	Mr. McDonell,	Mr. Ten Eyck,	12

And the amendment made in committee of the whole, was thereupon adopted by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Davis,	Mr. Raynale,	
Mr. Comstock,	Mr. Ellis,	Mr. Summers,	
Mr. Cooper,	Mr. McKey,		8

NAYS.

Mr. Barry,	Mr. Manning,	Mr. Rumsey,	
Mr. Britain,	Mr. McDonell,	Mr. Ten Eyck,	
Mr. Hough,			7

And the Senate thereupon concurred in the several other amendments made in committee of the whole to section second.

The bill, on motion of Mr. Ellis, was further amended by inserting, line six, section seven, after the word "another," as follows :

"Which oath, either of said judges or other officers, are hereby authorized and required to administer."

And the bill, on motion of Mr. Ellis, was recommitted to the select committee who reported said bill.

The special order of the day being in order, being a bill entitled "A bill to organize certain townships;" the committee of the whole, on motion of Mr. Clark, was discharged from the further consideration of said bill, and the bill was recommitted to the committee on towns and counties.

The Senate then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill to amend the several acts concerning deeds and conveyances of land;" and after some time spent thereon, the committee rose, and through their chairman, reported the same back to the Senate with certain amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments

On motion of Mr. Barry, the bill was further amended by striking out the first clause of section four.

And on motion of Mr. Ellis, the further consideration of the bill was postponed until to-morrow.

Mr. Hough moved that the Senate now go into the consideration of executive business. Mr. Clark moved that the Senate do now adjourn, which motion did not prevail.

The President announced a message from the Executive, received through his private secretary, on executive business.

Mr. Hough renewed his motion that the Senate do now go into executive session, which motion did not prevail.

On motion of Mr. Britain, the committee of the whole was discharged from the further consideration of the several bills relative to state roads, which had been under the special order of the day for Monday next; and said bills were committed to the committee on roads and bridges.

On motion of Mr. Britain, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to incorporate the Brest and Grand river railroad company;" and said bill was committed to the committee on internal improvement.

On motion of Mr. Davis, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to incorporate the Wayne county bank at Plymouth;" and said bill was committed to the committee on incorporations.

And the Senate, on motion of Mr. Clark, then adjourned.

Tuesday, February 7, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Hough.

On motion of Mr. Raynale, leave of absence was granted to Mr. Hough, for to-day.

Mr. Summers presented a claim of Wells Waring and others, of Macomb county, for services rendered in supporting the supremacy of the laws. Read and referred to the committee on claims.

Mr. McDonell, from the committee on finance, to whom had

been referred a petition of Martin Story and A. H. Stowell, brought in a bill entitled "A bill for the relief of Martin Story and Alexander H. Stowell," which bill having been read a first and second times, was, on motion of Mr. McDonell, committed to committee of the whole.

Mr. Barry, in pursuance of previous notice, asked and obtained leave to bring in a bill to regulate limited partnerships; and Messrs. Barry, Rumsey and Raynale were appointed a committee to bring in said bill.

The enrolled bill entitled "An act to amend an act entitled 'An act to appoint commissioners to lay out and establish certain state roads,' approved March 26, 1836," was this day presented to the Governor for his signature.

On motion of Mr. Summers,

Resolved, That the Treasurer of this state be, and he is hereby, directed to furnish to the Senate a statement of the whole amount of money paid out of the treasury, (designating the amount paid to each individual,) under and by authority of an act entitled "An act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes, approved March 28, 1836," and under and by authority of an act entitled "An act to amend an act entitled 'An act to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan,'" and also under and by authority of a resolution entitled "A resolution to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, approved July 26, 1836."

Resolved, That the Secretary of State be, and he is hereby, required to furnish to the Senate a statement of the claims returned to him and recommended to be paid by this state, by the commissioners appointed by virtue of the fifth section of the act first recited in the preceding resolution.

Mr. Rumsey, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the New Michigan City railroad company; and Messrs. Rumsey, Britain and Raynale were appointed a committee to bring in said bill.

Mr. Raynale gave notice that, on a future day, he should

ask leave to bring in a bill to incorporate a company to construct a canal from Shiawassee river to the navigable waters of the Grand or Maple rivers.

On motion of Mr. Davis,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing for the removal of township and county officers, and report by bill or otherwise.

The question on ordering to be engrossed the bill entitled "A bill to amend the several acts concerning deeds and conveyances of land," coming up under the special order of the day, the question, on motion of Mr. McDonell, was postponed until this day week.

The Senate then resolved itself into committee of the whole, Mr. Ellis in the chair, on the remaining special orders of the day, being the joint resolution from the House of Representatives, entitled "A joint resolution allowing the commissioner appointed by law to prepare, digest and arrange a code of laws for the government of the people of this state, further time to report the result of his labors in the premises," and "A resolution relative to adjournment;" and after spending some time thereon, the committee rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the first amendment made in committee of the whole to the joint resolution from the House of Representatives, being to strike out, lines four and five, the words "first Monday of October," and insert "the ninth day of November."

The question then being on concurring in the other amendment made in committee of the whole to said joint resolution, being to add an additional resolution in the words following:

Resolved, That when the legislature adjourn, it adjourn to meet on the ninth day of November next."

Mr. McDonell moved that the question on concurring in said amendment, be postponed until to-morrow, which motion did not prevail.

And the Senate then concurred in said amendment, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,
Mr. Britain,	Mr. Manning,	Mr. Rumsey,
Mr. Clark,	Mr. McDonell,	Mr. Summers,
Mr. Comstock,	Mr. McKey,	Mr. Ten Eyck,

12

NAYS.

Mr. Cooper,	Mr. Ellis,	Mr. Raynale,	3
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On motion of Mr. Ellis, the word "said," in the last line of the resolution from the House of Representatives, was stricken out, and the word "the" inserted.

The amendments made in committee of the whole to the resolution relative to adjournment, were thereupon concurred in by the Senate, being as follows: to strike out "fourth" and insert "sixth," and to fill the blanks in said resolution with "ninth" and "November."

Mr. Ellis moved to amend the resolution by striking out the latter part of the resolution, being the words following: "to meet again on the ninth day of November next," which motion did not prevail.

The joint resolution from the House of Representatives, on motion of Mr. Barry, was thereupon ordered to a third reading, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Rumsey,
Mr. Britain,	Mr. Manning,	Mr. Summers,
Mr. Clark,	Mr. McKey,	Mr. Ten Eyck,

9

NAYS.

Mr. Cooper,	Mr. McDonell,	Mr. Raynale,	5
Mr. Ellis,	Mr. Moore,		

And the resolution was then read a third time, and on motion of Mr. Barry, by consent, amended by striking out, line four, the word "instant" and inserting "1837."

Mr. Ellis moved that the question on the passage of said resolution be postponed until to-morrow; which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,	Mr. McDonell,	Mr. Raynale,
Mr. Moore,		

4

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Rumsey,	
Mr. Britain,	Mr. Davis,	Mr. Summers,	
Mr. Clark,	Mr. Manning,	Mr. Ten Eyck,	
Mr. Comstock,	Mr. McKey,		11

The question on the passage of the resolution was then decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Summers,	
Mr. Britain,	Mr. McKey,	Mr. Ten Eyck,	
Mr. Clark,			7

NAYS.

Mr. Comstock,	Mr. Ellis,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,	Mr. Moore,		8

Mr. Ellis moved to amend the resolution relative to adjournment, by substituting the following :

Resolved, (the House of Representatives concurring herein,) That the legislature will adjourn on the sixth day of March next.

On motion of Mr. Moore, the resolution and amendment were laid on the table, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Cooper,	Mr. Moore,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	6

A message was received from the House of Representatives, through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate for their concurrence, " A joint resolution instructing our senators and representative in Congress, relative to certain matters therein named," which has passed the House.

The President announced a message from the Executive, received through his private secretary, on executive business ; also, a message in the words following :

To the Senate and House of Representatives :

I conceive it my duty to inform the Senate and House of Representatives, that the first instalment under the act of Congress, providing for the deposit of the surplus revenue of the United States, amounting to ninety-five thousand three hundred and eighty-three dollars eighty-three cents, has been received by the Treasurer of the state, and is now subject to the direction of the legislature. I would refer you to my annual message, at the commencement of your present session, for the considerations which urge that this fund should be kept distinct from the ordinary receipts of the treasury ; and as it remains at present unproductive to the state, I would respectfully suggest, that such measures be adopted, as will enable the state to make it at once a source of revenue. The whole amount due the state, under the act of Congress, is three hundred and eighty-one thousand five hundred and thirty-five dollars thirty-one cents, as stated in the communication of the Secretary of the Treasury of the United States.

The five per cent. fund on the sales of public lands, which, by the terms of the grant, is to be exclusively appropriated to the construction of roads and canals, has not as yet been received, but I am advised that it will be transmitted at an early day.

STEVENS T. MASON.

February 7, 1837.

Mr. McDonell moved that the above message from the Governor be referred to a committee of five, which motion did not prevail.

Mr. Barry moved that it be referred to the committee on finance.

Mr. Ellis moved that it be referred to a select committee of five members, with instructions to report to the Senate what disposition, in their opinion, ought to be made of the funds received from the general government.

Mr. Comstock moved to amend said amendment by substituting for "a select committee of five members," "a select joint committee of five members from the Senate, and ten from the House of Representatives.

On motion of Mr. Barry, the motion and proposed amendments were laid upon the table.

A communication was received from the private secretary of the Governor, in the words following :

Mr. PRESIDENT—I am instructed by the Governor of the state to inform the Senate that he has approved and filed in the office of the Secretary of State, an act entitled “ An act to amend ‘An act appointing commissioners to lay out and establish certain state roads,’ approved March 26, 1836.”

A message was received from the Executive, through his private secretary, in the words following :

EXECUTIVE DEPARTMENT, }
Feb. 7, 1837. }

To the Hon. EDWARD MUNDY, President of the Senate :

- SIR—The remonstrance of the pre-emption claimants on the Niles reservation, having been referred to the legislature, I herewith transmit an additional remonstrance, with the request that it may be laid before the appropriate committee.

I have the honor to be,

Your obedient servant,

STEVENS T. MASON.

The above message and accompanying document, were, on motion of Mr. Barry, referred to the committee on state affairs.

(See Senate Document No. 15.)

The Senate then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled “ A bill to organize the county of Ionia, and to divide said county for temporary purposes into two townships,” together with the substitute reported to said bill by the committee on towns and counties ; and after some time spent thereon, the committee rose, and through their chairman reported said substitute back to the Senate, as amended, as an amendment to the bill.

And the Senate thereupon concurred in said amendment.

And the bill, on motion of Mr. Manning, was further amended, by adding after the word “ canvassers,” section nine, the words “ under this act.”

And the bill was thereupon ordered to be engrossed for third reading.

The Senate, on motion of Mr. Moore, then went into consideration of executive business.

When the doors were opened,
The Senate, on motion of Mr. Summers, adjourned.

Wednesday, February 8, 1837.

The Senate met pursuant to adjournment.

Mr. Manning presented the petition of William Draper, for a law authorizing him to build across Flint river on section seventeen, in township eight north, of range eight east. Referred to the committee on internal improvement.

Mr. McKey presented sundry affidavits relative to the removal of the county seat of Berrien county. Referred to the committee of the whole, when on the bill from the House of Representatives to vacate the county seat of Berrien county.

Mr. Hough, from the committee on roads and bridges, to whom had been committed the bill from the House of Representatives, entitled "A bill appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia," reported said bill back to the Senate without amendment.

And the bill was thereupon ordered to a third reading.

Mr. Hough, from the committee on roads and bridges, to whom had been committed the Senate bill entitled "A bill to provide for laying out a certain state road," reported the same back to the Senate, recommending its indefinite postponement.

And said bill was thereupon indefinitely postponed.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the village of Coldwater, in the county of Branch," reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said several amendments, and the bill was thereupon ordered to a third reading.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill entitled "A bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal," reported adverse to the passage of the bill.

And the question being put on ordering said bill to be engrossed for a third reading, it was decided in the negative, and the bill thereupon declared lost.

Mr. Rumsey, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Huron river and New Michigan City railroad company;" which bill, having been read a first and second times, was, on motion of Mr. Rumsey, committed to the committee on internal improvement.

Mr. Raynale, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Shiawassee and Grand river canal company;" which bill, having been read a first and second times, was, on motion of Mr. Raynale, committed to the committee on internal improvement.

Mr. Hough, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act fixing the rate of toll for grinding,' approved April 12th, 1837;" which bill, having been read a first and second times, was committed to committee of the whole.

The vote on ordering to be engrossed for a third reading the bill entitled "A bill to authorize the appointment of commissioners to take the acknowledgment of deeds and instruments of writing under seal," was reconsidered; and the bill, on motion of Mr. McDonell, was laid on the table.

The vote taken yesterday on the final passage of the joint resolution from the House of Representatives, allowing the commissioner appointed to revise the laws, further time to report the result of his labors to the legislature, was, on motion of Mr. Moore, reconsidered, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,	Mr. Moore,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Comstock,			7

And the resolution, on motion of Mr. Moore, was laid on the table.

The President announced a communication from the Secretary of State, in pursuance of a resolution yesterday adopted by the Senate; the communication being in the words following:

To the President of the Senate:

In obedience to the resolution of that branch of the legislature over which you preside, I have the honor to transmit the returns of the commissioners appointed under the act of March 28, 1836, to examine the claims for services in maintaining the supremacy of the laws.

I deem it due to myself to state, that these returns were transmitted in accordance with the fifth section of the above named act, immediately on their reception, to the legislature, through the medium of the Hon. the Speaker of the House of Representatives. The chairman of the committee to whom they were referred in that body, has surrendered them at my request, to enable a compliance with the resolution of the Senate.

Very respectfully,

KINTZING PRITCHETTE,

Secretary of State.

Said communication, together with the accompanying documents, were, on motion of Mr. Barry, referred to the committee on claims.

(See Senate Document No. 17.)

The joint resolution received yesterday from the House of Representatives, was concurred in by the Senate, being in the words following:

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to use their influence to procure the passage of a law granting to this state five per cent. on all moneys received into the treasury of the United States on sales of public lands in this state, from the second day of November, A. D. 1835, to the second day of July, A. D. 1836.

On motion of Mr. Britain,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of incorporating a company to construct a railroad from the county seat of Van Buren county, to the mouth of South Black river.

Mr. Moore gave notice that he should, on some future day, ask leave to bring in a bill to amend an act entitled "An act regulating marriages," approved April 23, 1833.

Mr. Rumsey gave notice that he should, at some future day, ask leave to bring in a bill to incorporate the Ann Arbor and Saline river railroad company.

Mr. Davis gave notice that he should, on some future day, ask leave to bring in a bill to incorporate the Detroit and Ann Arbor timbered road or turnpike company.

The engrossed bill entitled "A bill to organize the counties of Ionia and Van Buren," was read a third time and passed.

The bill from the House of Representatives, ordered to a third reading, entitled "A bill appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia," was read a third time and passed.

The bill from the House of Representatives, ordered to a third reading, entitled "A bill to incorporate the village of Coldwater, in the county of Branch," was also read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Cooper,
Mr. Hough,

Mr. Manning,
Mr. McKey,
Mr. Moore,
Mr. Raynale,

Mr. Rumsey,
Mr. Summers,
Mr. Ten Eyck,

11

NAYS.

Mr. Comstock,
Mr. Davis,

Mr. Ellis,

Mr. McDonell,

4

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled "A bill to vacate the present seat of justice of the county of Berrien," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. Barry, then adjourned.

Thursday, February 9, 1837.

The Senate met pursuant to adjournment.

The President announced a communication from the Treasurer of the state, in the words following :

STATE TREASURER'S OFFICE, }
Detroit, Feb. 9, 1837. }

SIR—In obedience to a resolution of the Senate, passed on the 7th inst., I herewith present a statement of moneys paid from the treasury, under the act of March 28, 1836, for supporting the supremacy of the laws of Michigan.

The statement exhibits the amount paid to each individual, and the amount still due upon the scrip already issued, and on file in this office.

The balance remaining unpaid upon this scrip, will be paid on demand to each individual, funds being in my hands for that purpose.

I am, sir,

Very respectfully,

Your obedient servant,

H. HOWARD, *Treasurer.*

Hon. E. MUNDY, President of the Senate.

The communication and accompanying document, were, on motion of Mr. Summers, referred to the committee on claims.

(*See Senate Document No. 18.*)

Mr. Manning, from the committee on state affairs, to whom had been referred a communication from the Treasurer of the state, relative to weights and measures, brought in a bill entitled "A bill to furnish each organized county with a complete set of weights and measures," which bill having been read a first and second times, was committed to committee of the whole.

The President announced a message from the Executive, received through his private secretary, on executive business.

The President also announced a message from the House of Representative, received through their clerk, in the words following :

MR. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate, for their concurrence, a joint resolution requiring the directors of the several banks in this state to furnish the Governor and legislature with

certain information concerning said banks, which has passed the House.

Said resolution having been read, being in the words following :

Resolved by the Senate and House of Representatives of the State of Michigan, That the directors of the several banks in said state, be, and they are hereby, required to furnish the Governor, and the said Senate and House of Representatives, forthwith, with a statement or return, which shall state the amount of capital stock paid in, of the debts due the same, of the moneys deposited therein, of the notes in circulation, and of the specie on hand, properly sworn to, in the manner provided in the charters of the several banks.

The resolution, on motion of Mr. Barry, was amended, by inserting after the word "due," the words "to and from ;" and on motion of Mr. Ellis, was then committed to the committee on the judiciary.

On motion of Mr. McDonell, the bill entitled "A bill relative to the state penitentiary of Michigan," was committed to committee of the whole.

On motion of Mr. McDonell, the bill entitled "A bill to incorporate the stockholders of the Savings bank of Michigan," was also committed to committee of the whole.

Mr. Rumsey, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Ann Arbor and Saline river railroad company ; and Messrs. Rumsey, Barry and Raynale were appointed a committee to bring in said bill.

The Senate resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the House of Representatives, entitled "A bill to provide for a geological survey of the state ;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The Senate then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill for the relief of Martin Story and Alexander H. Stowell ;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill, on motion of Mr. Hough, was committed to the committee on the judiciary.

The Senate then resolved itself into committee of the whole, Mr. McKay in the chair, on the bill from the House of Representatives, entitled "A bill to provide for keeping records of land sold for school taxes;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill, on motion of Mr. Barry, was laid on the table.

The Senate, on motion of Mr. Comstock, took up the bill entitled "A bill to authorize Nathaniel Odell to convey certain land," and the question being on the amendment proposed by Mr. McDonell, and reported adversely to by the judiciary committee, Mr. McDonell withdrew said proposed amendment.

And the bill was thereupon ordered to be engrossed for third reading.

The question being put, "Will the Senate now resolve itself into committee of the whole on the bill from the House of Representatives, entitled "A bill to vacate the present seat of justice of Berrien county," Mr. Britain moved that the bill be re-committed to the committee on towns and counties, with instructions to ascertain from witnesses duly sworn, whether due and legal notice was given, that application would be made to the legislature for said removal, and that they be instructed to report on to-morrow morning; which motion prevailed, and the bill was so referred.

The Senate then resolved itself into committee of the whole, Mr. Moore in the chair, on the bill entitled "A bill to amend an act entitled 'An act fixing the rates of toll for grinding,' approved April 12, 1833;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill was thereupon ordered to be engrossed for third reading.

And the Senate, on motion of Mr. Davis, adjourned.

Friday, February 10, 1837.

The Senate met pursuant to adjournment.

Mr. Barry, from the committee on the judiciary, to whom had been committed the resolution from the House of Representatives, requiring the directors of the several banks to make returns forthwith to the Governor or legislature, with the amendment made thereto in the Senate, reported the same back to the Senate, recommending the concurrence of the Senate in said resolution as amended.

And the Senate thereupon concurred in said resolution as amended.

Mr. Rumsey, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Ann Arbor and Saline river railroad company;" which bill having been read a first and second times, was, on motion of Mr. Rumsey, committed to the committee on internal improvement.

On motion of Mr. Manning, leave of absence was granted to Mr. Clark after to-day, until Tuesday next.

The engrossed bill entitled "A bill to amend an act entitled 'An act fixing the rate of toll for grinding,' approved April 12, 1833," was read a third time and passed.

The engrossed bill entitled "A bill to authorize Nathaniel Odell to convey certain land," was read a third time and passed.

Mr. Ellis gave notice that he should, on some future day, ask leave to bring in a bill to incorporate the stockholders of the Dundee hydraulic company.

The Senate then resolved itself into committee of the whole, Mr. Raynale in the chair, on the bill entitled "A bill to furnish each organized county with a complete set of weights and measures;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate concurred in said amendment, and the bill was thereupon ordered to be engrossed for third reading.

The Senate then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors

and others ;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Clark, was laid on the table.

Mr. Clark moved a call of the Senate, which being sustained, there were absent Messrs. Britain, Comstock, Davis, McDonell, McKey, Moore.

On motion of Mr. Hough, leave of absence was granted to Mr. Comstock, for to-day.

And the Senate, on motion of Mr. Rumsey, took a recess of fifteen minutes.

When the Senate again convened,

The Senate, on motion of Mr. Ellis, took up the bill entitled "A bill to provide for the collection of demands against boats and vessels ;" and the Senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Clark in the chair, on said bill ; and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

Mr. Ellis moved that the Senate again resolve itself into committee of the whole on said bill. Mr. McDonell moved that the bill be committed to the committee on the judiciary ; the question being first put, on again committing to committee of the whole, was decided in the affirmative.

And the Senate then again resolved itself into committee of the whole, Mr. Hough in the chair, on said bill ; and after some time spent thereon, the committee rose, and through their chairman reported progress and asked and obtained leave to sit again.

A message was received from the House of Representatives through their clerk, in the words following :

Mr. President—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate a joint resolution relative to the fund denominated the surplus fund, which has passed the House, and in which they respectfully ask the concurrence of the Senate.

Said resolution having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on finance.

And the Senate, on motion of Mr. Hough, then adjourned.

Saturday, February 11, 1887.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Davis; absent on leave, Mr. Clark.

On motion of Mr. Hough, leave of absence was granted to Mr. Davis, for to-day.

Mr. Comstock presented the petition of inhabitants of the village of Marshall, praying for an extension of the bounds of said village. Referred to the committee on incorporations.

Mr. Comstock presented the petition of sundry inhabitants of Calhoun county, for lowering Brace's lake in said county, and reclaiming the marshes adjacent. Read and referred to the committee on internal improvement.

Mr. Comstock presented the petition of Sidney Ketchum and others, for the incorporation of a wool growing and manufacturing company. Referred to the committee on incorporations.

Mr. Moore presented the petition of inhabitants of the township of York for a discontinuance of part of the territorial road from Saline to Monroe. Referred to the committee on roads and bridges.

Mr. Comstock, from the committee on literature, to whom had been referred the report of the Superintendent of Public Instruction, brought in a bill entitled "A bill to regulate common schools," which, having been read a first and second times, was laid on the table and ordered to be printed.

Mr. Hough, from the committee on roads and bridges, to whom had been committed a bill entitled "A bill to provide for laying out a state road from Whitmanville to Bainbridge," and sundry petitions for state roads, reported a bill entitled "A bill appointing commissioners to lay out and establish certain state roads."

And the bill, on motion of Mr. Comstock, was laid on the table.

Mr. Ellis submitted the following joint resolution, which was adopted by the Senate:

Resolved, (the House of Representatives concurring herein,) That our senators in Congress be instructed, and our representative requested, to procure an appropriation for the construction of a light-house at or near the mouth of the Detroit river.

Mr. Britain gave notice that, on a future day, he would ask

leave to bring in a bill to organize township three south, in range fifteen west.

The engrossed bill entitled "A bill to furnish each organized county with a complete set of weights and measures," was read a third time, and the blank in section two, on motion of Mr. Manning, having been filled with "two thousand two hundred," the bill passed.

The President announced a message from the Executive, received through his private secretary, in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, "An act to amend the several acts concerning the supreme court, circuit court and court of chancery of the state of Michigan."

STEVENS T. MASON.

February 11, 1837.

Also a message on executive business.

The Senate then again resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the House of Representatives entitled "A bill to provide for a geological survey of the state," and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the question being put on concurring in said amendments, being to strike out in section two, lines one, two, three and four, the words "three," "six," "eight" and "twelve," before "thousand," was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Cooper,

Mr. Ellis,
Mr. McKey,

Mr. Summers,

5

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Hough,

Mr. Manning,
Mr. McDonell,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Ten Eyck,

9

Mr. Barry then moved to amend the bill by striking out in section two, as follows: "a sum not exceeding six thousand for 1838, a sum not exceeding eight thousand for 1839, and a sum not exceed-

ing twelve thousand for 1840," which motion did not prevail; the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Cooper,

Mr. Ellis,

Mr. Summers,

4

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Hough,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Ten Eyck,

10

Mr. Barry then moved to amend by striking out in section two, the words, "a sum not exceeding eight thousand for 1839, and a sum not exceeding twelve thousand for 1840," which amendment was also lost, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Cooper,

Mr. Ellis,

Mr. Summers,

4

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Hough,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Ten Eyck,

10

Mr. Barry then moved to amend the bill by striking out in section two, the words, "and a sum not exceeding twelve thousand for 1840," which amendment was lost, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Cooper,

Mr. Ellis,
Mr. McKey,

Mr. Summers,

5

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Hough,

Mr. Manning,
Mr. McDonell,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Ten Eyck,

9

Mr. Ellis moved to amend by striking out in section one, the words, "to nominate, and by and with the advice and consent of the Senate," which amendment was lost, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	3
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NAYS.

Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Cooper,	Mr. McKey,	Mr. Ten Eyck,	
Mr. Hough,	Mr. Moore,		11

Mr. Barry moved to amend by inserting, section one, line seventeen, after the word "Governor," the words, "by and with the advice and consent of the Senate," which amendment was lost, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McDonell,	Mr. Summers,	4
Mr. Ellis,			

NAYS.

Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McKey,	Mr. Rumsey,	
Mr. Cooper,	Mr. Moore,	Mr. Ten Eyck,	
Mr. Hough,			10

Mr. McKey then moved to amend by adding to section three as follows :

"And also the amount of expense incurred in executing said survey, naming all the persons employed, the services performed, the length of time each person served, and the daily wages allowed to each."

Said amendment was lost, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	5
Mr. Cooper,	Mr. McKey,		

NAYS.

Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Hough,	Mr. Moore,	Mr. Ten Eyck,	9

Mr. Barry then moved that the Senate do now adjourn, which motion did not prevail.

Mr. Barry moved to lay the bill on the table, which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	
Mr. Cooper,	Mr. McKey,		5

NAYS.

Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Hough,	Mr. Moore,	Mr. Ten Eyck,	9

Mr. Ellis moved to amend by striking out all after the enacting clause, which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	
Mr. Cooper,			4

NAYS.

Mr. Britain,	Mr. McDonell,	Mr. Raynale,	
Mr. Comstock,	Mr. McKey,	Mr. Rumsey,	
Mr. Hough,	Mr. Moore,	Mr. Ten Eyck,	
Mr. Manning,			10

Mr. Barry moved to amend by inserting, section two, line seven, after the word "treasury," the words "upon the warrant of the Auditor General," which amendment was lost, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	
Mr. Cooper,	Mr. McKey,		5

NAYS.

Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Hough,	Mr. Moore,	Mr. Ten Eyck,	9

And the bill was thereupon ordered to a third reading, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Cooper,	Mr. McKey,	Mr. Ten Eyck,	
Mr. Hough,	Mr. Moore,		11

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	3
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Mr. Barry moved that the Senate do now adjourn, which motion was lost.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate a joint resolution which has passed the House, entitled "A joint resolution instructing our senators and representative in Congress relative to certain matters therein named," in which they respectfully ask the concurrence of the honorable the Senate.

On motion of Mr. McDonell, the orders of the day were postponed, for the purpose of considering said resolution from the House of Representatives, two-thirds voting in favor of postponing.

The resolution was then read in the words following :

Resolved by the Senate and House of Representatives of the State of Michigan, That the Treasurer and Auditor General be, and they are hereby, instructed to make out an abstract of the amount of money advanced by the state of Michigan, for the purpose of defraying the expenses incurred by the territory of Michigan in maintaining the supremacy of the laws, and that the said account be transmitted to our senators and representative in Congress, with instructions to demand the payment of the same of the general government.

Mr. Ellis moved that the resolution be committed to committee of the whole, which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,	Mr. Summers,	2
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NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,
Mr. Britain,	Mr. McDonell,	Mr. Rumsey,
Mr. Cornstock,	Mr. McKey,	Mr. Ten Eyck,
Mr. Cooper,		

10

On motion of Mr. Barry, the resolution was amended by striking out all after the word "instructions," and inserting as follows, "to use their influence to procure an appropriation from the treasury of the United States, to refund the same."

The vote on concurring in said amendment, on motion of Mr. McKey, was reconsidered, by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,

Mr. Hough,
Mr. McDonell,

Mr. McKey,
Mr. Moore,

7

NAYS.

Mr. Barry,
Mr. Ellis,

Mr. Rumsey,
Mr. Summers,

Mr. Ten Eyck,

5

The question recurring on the amendment, the word "influence" in said amendment, on motion of Mr. Britain, was stricken out, and the word "exertions" substituted in lieu thereof.

And the question on concurring in the amendment, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Ellis,

Mr. Summers,

Mr. Ten Eyck,

4

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,

Mr. Hough,
Mr. McDonell,
Mr. McKey,

Mr. Moore,
Mr. Rumsey,

8

And the resolution was thereupon concurred in by the Senate.
And the Senate, on motion of Mr. Hough, adjourned.

Monday, February 13, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent Mr. Manning; absent on leave, Mr. Clark.

On motion of Mr. Summers, leave of absence was granted to Mr. Manning, for to-day.

Mr. Barry presented the petition of inhabitants of Constantine, St. Joseph county, praying for an act to incorporate said village; referred to the committee on incorporations.

Mr. Moore presented the petitions of sundry citizens of the township of York, Washtenaw county, for authority for Wells Brockway, a minor, to convey certain real estate. Referred to the committee on the judiciary.

Mr. Comstock presented the petition of inhabitants of New Buffalo for a bank in Berrien county. Referred to the committee on incorporations.

Mr. Comstock presented a petition of inhabitants of Bertrand, for a bank at Bertrand, in the county of Berrien. Referred to the committee on incorporations.

Mr. McKey, from the committee on towns and counties, to whom had been recommitted the bill from the House of Representatives, entitled "A bill to vacate the present seat of justice of the county of Berrien," with certain instructions, made a report thereon; and the bill and report, on motion of Mr. Barry, was recommitted to committee of the whole.

Mr. Ellis, from the select committee to whom had been re-committed the bill entitled "A bill to regulate banking associations," reported the same back to the Senate with sundry amendments.

And the bill and amendments, on motion of Mr. Hough, were recommitted to committee of the whole.

Mr. Hough, from the select committee to whom had been referred so much of the Governor's message as related to imprisonment for debt, made a report thereon; which, on motion of Mr. Hough, was laid on the table and ordered to be printed.

(See Senate Document No. 19.)

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate "A bill authorizing the Governor to loan a certain sum of money," which has passed the House, and in which they respectfully ask the concurrence of the Senate.

Said bill from the House of Representatives, was thereupon read a first and second times, and on motion of Mr. Ellis, committed to the committee on internal improvement.

On motion of Mr. Hough, the vote taken on Saturday on concurring in the resolution from the House of Representatives, entitled "A joint resolution instructing our senators and representative in Congress relative to certain matters therein named," was reconsidered.

The resolution, on motion of Mr. Hough, was then amended by striking out all after the word "laws," and inserting as follows :

"In the support of the rightful jurisdiction of said territory, under the ordinance of 1787 and the act of Congress of 1805, over that part of said territory claimed by Ohio; and that said accounts be transmitted to our senators and representative in Congress, and that our senators be and they are hereby instructed, and our representative requested, to use their exertions to procure an appropriation from the treasury of the United States for repayment of said advances."

And the resolution, as amended, was thereupon concurred in by the Senate.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to organize the township of Lowell in Van Buren county; and Messrs. Britain, Raynole and Ellis were appointed a committee to bring in said bill.

Mr. Britain gave notice that, on a future day, he would ask leave to bring in a bill to incorporate the St. Clair and Lake Michigan railroad company.

Mr. Comstock submitted the following resolution :

Resolved, That the committee on state affairs, be requested to inquire into the expediency of the state becoming the owner of all the unsold lands in the state belonging to the general government, and report by bill or otherwise.

The resolution, on motion of Mr. Ellis, was amended by striking out "the committee on state affairs be requested," and inserting "a select committee be appointed."

And the resolution so amended was thereupon adopted.

And Messrs. Ellis, Hough and Barry were appointed the select committee in pursuance of said resolution.

The bill from the House of Representatives, entitled "A bill to provide for a geological survey of the state," being on its third reading, Mr. Barry moved to commit the bill to the committee on state affairs, with instructions to report amendments to the same, providing

1st. That when the geologist makes discovery of any salt springs, he shall forthwith report the same to the Governor.

2d. That on the discovery of any valuable mines of gold, sil-

ver, copper or iron, the geologist shall also forthwith report the same to the Governor.

3d. That in the event of any such discovery, the Governor be authorized and required to secure the same for the benefit of the state, if he can legally do so.

4th. That the geologist, in each annual report, be required to give a full and specific account of the result of his survey, and also what portion of the state he has examined.

The motion so to commit was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McDonell,	Mr. Rumsey,	
Mr. Ellis,	Mr. McKey,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Raynale,	
Mr. Comstock,	Mr. Hough,	Mr. Ten Eyck,	
Mr. Cooper,	Mr. Moore,		8

The bill was thereupon read a third time.

Mr. Barry moved to lay the bill on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,	Mr. McKey,		5

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Moore,	Mr. Ten Eyck,	
Mr. Davis,	Mr. Raynale,		8

And the bill then passed the Senate, a majority voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. McDonell,	Mr. Raynale,	
Mr. Comstock,	Mr. McKey,	Mr. Rumsey,	
Mr. Davis,	Mr. Moore,	Mr. Ten Eyck,	
Mr. Hough,			10

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	3
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The Senate then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to regulate banking associations," together with the amendments reported to said bill by the select committee to whom it had been recommitted; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

And the question being then put on ordering the bill to be engrossed, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. Hough,		5

NAYS.

Mr. Comstock,	Mr. McDonell,	Mr. Summers,	
Mr. Cooper,	Mr. Moore,	Mr. Ten Eyck,	
Mr. Davis,	Mr. Raynale,		8

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit "A bill for the regulation of internal improvement and for the appointment of a board of commissioners;" also, "A bill for the relief of Samuel A. Bartlett and others;" both of which have passed the House, and in which the concurrence of the Senate is respectfully requested. I also herewith return, without amendment, a joint resolution from the Senate relative to the library; also, a joint resolution relative to a light-house, at or near the mouth of the Detroit river. I also herewith transmit a joint resolution relative to the adjournment of the legislature, which has passed the House, and in which the concurrence of the Senate is respectfully requested.

The President also announced a message from the Executive, received through his private secretary, in the words following:

To the Senate and House of Representatives :

I have this day deposited in the Michigan state bank, to the credit of the state, one hundred and three thousand dollars, received on a warrant drawn in my favor by the secretary of the treasury of the United States.

STEVENS T. MASON.

Feb. 13, 1837.

Also, a message on executive business.

Mr. Hough moved that the Senate do now adjourn, which motion did not prevail.

Mr. Ellis moved that the Senate do now adjourn, which motion prevailed.

And the Senate adjourned.

Thursday, February 14, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Manning.

Mr. Comstock presented the remonstrance of Charles D. Smith and others, of Marshall, against any addition being made to the limits of said village. Referred to the committee on incorporations.

Mr. Hough, from the committee on roads and bridges, to whom had been committed a bill entitled "A bill appointing commissioners to lay out a state road from Ypsilanti to Palmyra," reported the same back to the Senate, with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

And the bill, on motion of Mr. Barry, was amended by altering section three, so as to read as follows: "The state shall not be liable for any expenses or damages incurred by the laying out of said road."

And the bill, on motion of Mr. Hough, was committed to committee of the whole.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled "A joint resolution relative to the state library."

Mr. Raynale, from the committee on incorporations, to whom had been committed the bill originating in the Senate, entitled "A bill to incorporate the Lenawee county mutual insurance company," reported the same back to the Senate, with a proposed amendment to the title of said bill.

And the bill, on motion of Mr. Ellis, was committed to committee of the whole.

Mr. Raynale, from the same committee, to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Lenawee mutual insurance company," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Hough, was committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill for the relief of Samuel A. Bartlett and others," was read a first and second times, and on motion of Mr. Barry, committed to the committee on claims.

The resolution from the House of Representatives relative to the adjournment of the legislature, having been read, in the words following :

Resolved, That (if the Senate concur,) the legislature adjourn the 10th day of March next.

Mr. Summers moved to lay the resolution on the table, which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Moore,	Mr. Summers,	3
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Ten Eyck,	12

Mr. Davis moved to amend the resolution by striking out "tenth" and inserting "thirteenth;" the question being on striking out "tenth," the motion to strike out prevailed.

Mr. Davis moved to fill the blank with the word "thirteenth;" Mr. Ellis, with the "fourth." The question being on filling the blank with "thirteenth," the motion so to fill was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,
Mr. Britain,	Mr. Hough,	Mr. Raynale,
Mr. Clark,	Mr. McDonell,	Mr. Rumsey,
Mr. Comstock,		

10

NAYS.

Mr. Davis,	Mr. McKey,	Mr. Ten Eyck,
Mr. Ellis,	Mr. Summers,	

5

Mr. Ellis moved to amend the resolution by adding the words "sine die;" which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,
Mr. Clark,	Mr. McKey,	

5

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Moore,
Mr. Comstock,	Mr. Hough,	Mr. Raynale,
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,
Mr. Ten Eyck,		

10

And the Senate thereupon concurred in the resolution as amended.

The bill from the House of Representatives entitled "A bill for the regulation of internal improvement, and for the appointment of a board of commissioners," was read a first and second times, and on motion of Mr. McDonell, committed to the committee on internal improvement.

Mr. McDonell gave notice that, on a future day, he should ask leave to bring in a bill to establish a road from the city of Frederick to L'anse Creuse bay, in the county of Macomb.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the St. Clair and Lake Michigan railroad company; and Messrs. Britain, Ellis and Raynale were appointed a committee to bring in said bill.

Mr. Rumsey gave notice that he should, on some future day, ask leave to bring in a bill to incorporate the stockholders of the Huron bank at Ann Arbor, in the county of Washtenaw.

Mr. Hough, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the village of Tecum-

seh ; and Messrs. Hough, McDonell and Ten Eyck were appointed a committee to bring in said bill.

Mr. Britain gave notice that, on a future day, he would ask leave to bring in a bill to incorporate the St. Joseph railroad company.

The vote taken yesterday on ordering to be engrossed the bill entitled "A bill to regulate banking associations," on motion of Mr. Summers, was reconsidered ; and the bill, on motion of Mr. Ellis, was laid on the table.

Mr. McDonell submitted the following resolution, and moved that the same be committed to committee of the whole, and made the special order of the day for Thursday next, which motion prevailed, the resolution being in the words following :

Resolved, That the committee on internal improvement be instructed to bring in a bill to expedite the construction of the Detroit and St. Joseph railroad, by issuing thousand dollars of certificates of state stock, bearing interest not exceeding five per cent. payable quarter yearly, to be loaned to the Detroit and St. Joseph railroad company, under certain limitations and conditions, reimbursable at the pleasure of the legislature, at any time after twenty years ; the said railroad company making provision for the redemption of the stock and for the punctual payment of the interest which shall accrue thereon.

Mr. Ellis moved that the resolution, laid by him on the table on the 27th ult., giving certain instructions to the committee on internal improvement, be also committed to committee of the whole, and made the special order of the day for Thursday next. Mr. Hough moved to lay the resolution on the table ; before the motion was taken, Mr. Ellis withdrew said resolution.

On motion of Mr. Ellis, the bill entitled "A bill to amend an act entitled 'An act to incorporate the River Raisin and Lake Erie railroad company,'" was committed to committee of the whole.

Mr. Ellis submitted the following resolution, and moved that it be committed to committee of the whole, and made the special order of the day for Thursday next ; the resolution being in the words following :

Resolved, That the committee on internal improvement be in-

structed to bring in a bill providing for the location and construction of three routes of internal communication, by railroad or canal, through the northern, middle and southern sections of the state.

Mr. Hough moved to lay the resolution on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Hough,	Mr. Ten Eyck,	2
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. McDonell,	Mr. Rumsey,	
Mr. Comstock,	Mr. McKey,	Mr. Summers,	
Mr. Cooper,			13

And the question recurring on committing to committee of the whole, and making the special order of the day for Thursday next, was decided in the affirmative.

The question on ordering to be engrossed the bill entitled "A bill to amend the several acts concerning deeds and conveyances of land," coming up as the special order of the day, the bill was ordered to be engrossed, by yeas and nays, as follows :

YEAS.

Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	
Mr. Ellis,	Mr. Moore,	Mr. Ten Eyck,	
Mr. Hough,	Mr. Raynale,		8

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. McKey,	
Mr. Britain,	Mr. Cooper,	Mr. Summers,	
Mr. Clark,			7

The general orders of the day being in order, Mr. McDonell moved that the Senate now resolve itself into committee of the whole, on the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan;" Mr. Comstock moved to amend, by including in the same motion the bill entitled "A bill to incorporate the stockholders of the Bank of Niles." Mr. Barry moved to amend said amendment, by including the bill entitled "A bill to incorporate the stockholders of the Bank of Saginaw."

On motion of Mr. Barry, the motion and amendments were laid on the table, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Raynale,	
Mr. Britain,	Mr. Cooper,	Mr. Rumsey,	
Mr. Clark,	Mr. McKey,	Mr. Summers,	9

NAYS.

Mr. Davis,	Mr. Hough,	Mr. Moore,	
Mr. Ellis,	Mr. McDonell,	Mr. Ten Eyck,	6

On motion of Mr. McDonell, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to amend the several acts for the assessment and collection of taxes."

The Senate, on motion of Mr. Britain, took up the bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties;" the question on concurring in the first amendment made by the committee of the whole to said bill, Mr. Barry moved a call of the Senate, which being sustained, there were absent Messrs. Ellis, Manning, McDonell.

On motion of Mr. Clark, leave of absence was granted to Mr. Manning, for to-day.

The bill, on motion of Mr. Barry, was recommitted to committee of the whole.

And the Senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Clark in the chair, on said bill; and after some time spent thereon, the committee rose, and through their chairman, reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the bill and amendment, on motion of Mr. Barry, were recommitted to the select committee who reported the bill, together with an amendment which he wished to offer as a substitute for the bill.

And the Senate, on motion of Mr. Barry, then went into consideration of executive business.

When the doors were opened, the Senate adjourned.

Wednesday, February 15, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Rumsey.

Mr. Manning presented a remonstrance of inhabitants of Saginaw county, against the formation of a new county from the counties of Saginaw and Midland. Read and referred to the committee on towns and counties.

Mr. Raynale presented sundry petitions of inhabitants of Shiawassee county, for the removal of the county seat of said county. Referred to the committee on towns and counties.

Mr. Moore presented the petition of inhabitants of Branch county, for a certain state road. Referred to the committee on roads and bridges.

Mr. Comstock, from the committee on literature, brought in a bill entitled "A bill to provide for the organization and government of the university of Michigan;" which bill, having been read a first and second times, was laid on the table and ordered to be printed.

Mr. Hough, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the village of Tecumseh;" which bill, having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on incorporations.

Mr. Davis, from the committee on the militia, to whom had been referred a resolution instructing them to report a system of tactics for the militia of this state, submitted a letter from Maj. General Macomb, of the U. S. Army, to his excellency the Governor of this state, transmitting a copy of a system of tactics prepared under his direction for the government of the militia of the several states; said letter having been read, was, together with the accompanying document, on motion of Mr. Comstock, referred to the committee on the militia.

(See Senate Document No. 20.)

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—In pursuance of the rules of the House of

Representatives, I herewith transmit the following bills, which have passed the House, and in which they respectfully ask the concurrence of the Senate: "A bill to provide for recording patents for land, and for other purposes;" "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville;" and "A bill to organize and regulate banking associations."

The bill from the House of Representatives, entitled "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," was thereupon read a first and second times, and on motion of Mr. Comstock, committed to the committee on roads and bridges.

The bill from the House of Representatives, entitled "A bill to provide for recording patents for land, and for other purposes," was also read a first and second times, and on motion of Mr. Comstock, committed to the committee on the judiciary.

The bill from the House of Representatives, entitled "A bill to organize and regulate banking associations," was read a first and second times, and on motion of Mr. Ellis, committed to committee of the whole.

Mr. McDonell submitted a joint resolution in the words following:

Resolved by the Senate and House of Representatives, That a joint committee, to consist of one from the Senate and two from the House of Representatives, be appointed, whose duty it shall be to collect information of the most eligible sites for the location of a state penitentiary, and to receive propositions from the owners of such sites, relative to the donation to the state of grounds for its erection.

And the resolution, on motion of Mr. McDonell, was committed to committee of the whole, and made the special order of the day for Friday next.

The third reading of the bill entitled "A bill to amend the several acts concerning deeds and conveyances of land, being in order, was, on motion of Mr. McDonell, postponed until to-morrow.

On motion of Mr. Ellis, the committee of the whole was discharged from the further consideration of the bill entitled "A bill

to provide for the collection of demands against boats and vessels ;" and the bill was laid on the table.

On motion of Mr. Hough, the committee of the whole was discharged from the further consideration of the bill originating in the Senate, and also the bill from the House of Representatives, both entitled " A bill to incorporate the Lenawee county mutual insurance company ;" and said bills were laid on the table.

The Senate then resolved itself into committee of the whole, Mr. Barry in the chair, on the bill entitled " A bill appointing commissioners to lay out and establish a state road from Ypsilanti to Palmyra ;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

Mr. Britain moved to amend by striking out sections two and three, and substituting as follows :

" Sec. . No part of the damages or expense of laying out and establishing said road shall be paid out of the state treasury."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	
Mr. Britain,	Mr. Raynale,		5

NAYS.

Mr. Clark,	Mr. Hough,	Mr. McKey,	
Mr. Comstock,	Mr. Manning,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,	Mr. Ten Eyck,	
Mr. Davis,			10

Mr. Britain moved that the bill be laid on the table and printed, which was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Davis,	Mr. Hough,	Mr. Summers,	6

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McKey,	Mr. Ten Eyck,	9

Mr. Barry moved that the bill be recommitted to the committee on roads and bridges, which motion did not prevail.

Mr. Ellis moved to lay the bill on the table, which motion did not prevail.

And the bill, on motion of Mr. Moore, was committed to the committee on the judiciary.

On motion of Mr. McDonell, the committee of the whole was discharged from the further consideration of the bill entitled "A bill relative to the state penitentiary of Michigan," and the bill was laid on the table.

On motion of Mr. Clark, the committee of the whole was discharged from the further consideration of the several bills entitled "A bill to incorporate the stockholders of the Bank of Saginaw;" "A bill to incorporate the Bank of Grand river;" "A bill to incorporate the Bank of the commonwealth of Michigan;" "A bill to incorporate the stockholders of the Bank of Niles," and "A bill to incorporate the stockholders of the Savings bank of Michigan;" and said several bills were thereupon laid on the table.

On motion of Mr. McDonell, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to amend the charter of the Oakland county bank;" and said bill was laid on the table.

On motion of Mr. Barry, the committee of the whole was discharged from the further consideration of the several bills entitled "A bill to incorporate the Tecumseh and Ypsilanti railroad company;" "A bill to incorporate the New Buffalo and Terre Coupee railroad company;" and "A bill to incorporate the Port Sheldon and Grand Rapids railroad company;" and said bills were laid on the table.

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill from the House of Representatives, entitled "A bill to organize and regulate banking associations;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Ellis moved that the Senate take a recess to 3 o'clock, P. M.; before the question was taken, the Senate, on motion of Mr. McDonell, adjourned.

Thursday, February 16, 1837.

The Senate met pursuant to adjournment.

Mr. Comstock presented the petition of ladies of the city of Detroit, praying for an act incorporating the "Ladies' orphan association." Read, and on motion of Mr. Comstock, referred to a select committee of three; and Messrs. Comstock, Clark and Manning were appointed said committee.

Mr. McKey presented a remonstrance of inhabitants of Lenawee county, against laying out a certain state road. Referred to the committee on the judiciary.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled "An act to amend an act entitled 'An act fixing the rate of toll for grinding,' approved April 12, 1827;" which was thereafter this day presented to the Governor for his signature.

Mr. McKey presented sundry memorials of inhabitants of Shiawassee county, relative to the removal of the seat of justice of said county. Referred to the committee on towns and counties.

Mr. Barry, from the committee on the judiciary, to whom had been referred the petition of sundry inhabitants of the township York, Washtenaw county, for authority to Wells Brockway, a minor, to sell and convey certain land, reported adverse to the prayer of said petitioners, and moved that the petitioners have leave to withdraw their petition, which leave was granted.

Mr. Hough, from the committee on roads and bridges, to whom had been referred the petition of inhabitants of York, Washtenaw county, for the discontinuance of part of a certain territorial road, brought in a bill entitled "A bill to amend an act entitled 'An act to provide for laying out certain territorial roads, and for other purposes,' approved June 23, 1828;" which bill was read a first and second times, and on motion of Mr. Comstock, committed to committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom was referred the petition of citizens of Washtenaw county, praying for the incorporation of the Washtenaw mutual insurance company, brought in a bill entitled "A bill to incorporate the Washtenaw county mutual insurance company;" which bill,

having been read a first and second times, was, on motion of Mr. Hough, laid on the table.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to provide for recording patents for land, and for other purposes," reported the same back to the Senate without amendment; and said bill was ordered to third reading.

Mr. Britain, from the select committee to whom had been re-committed the bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties," reported the same back with an amendment, as a substitute for said bill.

And the bill and proposed amendment were, on motion of Mr. Britain, recommitted to committee of the whole.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Kalamazoo river navigation company," which bill, having been read a first and second times, was, on motion of Mr. Comstock, committed to the committee on internal improvements.

The President announced a message from the Executive, received through his private secretary, in the words following:

To the Senate:

I have this day approved and filed in the office of the Secretary of State "A joint resolution, relative to the state library."

STEVENS T. MASON.

Feb. 15, 1837.

Also, a message on executive business.

The President also announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return to the Senate, without amendment, "A bill to amend an act entitled 'An act fixing the rate of toll for grinding,' approved April 12, 1827."

I also herewith transmit "A bill authorizing the building certain dams therein named," which has passed the House, and in which they ask the concurrence of the Senate.

The bill from the House of Representatives, entitled "A bill authorizing the building certain dams therein named," was read a

first and second times, and on motion of Mr. Comstock, committed to the committee on internal improvement.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the city of Monroe; and Messrs. Ellis, McDonell and Hough were appointed a select committee to bring in said bill.

Mr. Davis, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Detroit and Ann Arbor timbered road or turnpike company; and Messrs. Davis, Comstock and Cooper were appointed a committee to bring in said bill.

Mr. Rumsey gave notice that he should, to-morrow, ask leave to bring in a bill to incorporate the Central bank of Ingham county.

The bill from the House of Representatives, entitled "A bill to provide for recording patents of land, and for other purposes," was read a third time and passed.

The engrossed bill entitled "A bill to amend the several acts concerning deeds and conveyances of land," was read a third time, and the question being then put on the final passage of the bill, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Davis,
Mr. Ellis,
Mr. Hough,

Mr. McDonell,
Mr. Moore,

Mr. Raynale,
Mr. Ten Eyck,

7

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Comstock,
Mr. Cooper,
Mr. Manning,

Mr. McKey,
Mr. Rumsey,
Mr. Summers,

9

The special orders of the day being in order, the committee of the whole, on motion of Mr. McDonell, was discharged from the further consideration of said special orders, being the resolutions laid on the table on the 14th, by Mr. McDonell and Mr. Ellis, relative to giving certain instructions to the committee on internal improvement; and said resolutions were laid on the table.

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill from the House of Represen-

tatives, entitled "A bill to vacate the present seat of justice of the county of Berrien," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with a proposed amendment as a substitute for the bill offered in committee of the whole, and asked and obtained leave to sit again, the question on granting leave being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McDonell,	Mr. Ten Eyck,	12

NAYS.

Mr. Clark,	Mr. McKey,	Mr. Summers,	
Mr. Comstock,			4

And the amendment, on motion of Mr. Hough, was ordered to be printed.

The President announced a message from the Executive, received through his private secretary, in the words following:

To the Senate and House of Representatives :

I have this day approved and filed in the office of the Secretary of State, "An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple, in the county of Ionia;" also, "An act to amend an act entitled 'An act fixing the rate of toll for grinding,' approved April 12th, 1827."

STEVENS T. MASON.

February 16, 1837.

Also, a message on executive business.

Mr. McDonell moved that the Senate do now adjourn, which motion did not prevail.

Mr. Barry moved that the Senate take a recess to three o'clock P. M., which motion was lost.

Mr. Clark moved that the Senate do now go into the consideration of executive business, which motion did not prevail.

And the Senate, on motion of Mr. Summers, then adjourned.

Friday, February 17, 1837.

The Senate met pursuant to adjournment.

Mr. Barry presented two petitions of sundry inhabitants of St. Joseph county, to authorize the board of supervisors to loan money for the erection of public buildings. Referred to the committee on towns and counties.

Mr. Barry presented two petitions of sundry inhabitants of St. Joseph county, for a charter for a railroad from Centreville to Adrian or Tecumseh. Referred to the committee on internal improvement.

Mr. Barry presented two petitions of sundry inhabitants of St. Joseph county, for a state road from Grand Rapids, through Kalamazoo and Centreville, to the Indiana state line near Lima. Referred to the committee on roads and bridges.

Mr. Barry also presented two petitions of sundry inhabitants of St. Joseph county for the incorporation of the village of Centreville. Referred to the committee on incorporations.

Mr. Barry also presented two petitions of citizens of St. Joseph county for a bank at Centreville. Referred to the committee on incorporations.

Mr. Comstock presented the petition of Henry R. Schoolcraft and others, asking for the passage of an act incorporating the Lower Saginaw steamboat company. Referred to the committee on incorporations.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill entitled "A bill to lay out a state road from Ypsilanti to Palmyra," reported the same back to the Senate with an amendment, as a substitute for the bill, entitled "A bill to lay out a state road from Ypsilanti to Ridgeway," which amendment was concurred in by the Senate, and was ordered to be engrossed for a third reading.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the city of Monroe;" which bill having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on incorporations.

Mr. Ellis also presented a map of the village of Monroe and certificate of survey of the proposed limits of said city, from the

county surveyor ; which, on motion of Mr. Ellis, were committed to the committee on incorporations, accompanying the above bill.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Ladies' orphan association of the city of Detroit;" which bill, having been read a first and second times, was, on motion of Mr. Comstock, committed to the committee on incorporations.

Mr. McDonell, from the select committee to whom had been referred a resolution instructing them to inquire into the expediency of altering the present system of assessing and collecting taxes in this state, brought in a bill entitled "A bill to provide for levying, assessing and collecting the state and county taxes;" which bill, having been read a first and second times, was, on motion of Mr. Ellis, laid on the table and ordered to be printed.

Mr. Davis, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the stockholders of the Detroit and Ann Arbor timbered road or turnpike company;" which bill, having been read a first and second times, was, on motion of Mr. Davis, committed to the committee on internal improvement.

Mr. Raynale gave notice that he should, on a future day, ask leave to bring in a bill to incorporate the Byron navigation company, with power to improve the navigation of the Shiawassee river, from Byron to Owasso.

Mr. Rumsey, in pursuance of notice given yesterday, asked and obtained leave to bring in a bill to incorporate the Central bank of Ingham county ; and Messrs. Rumsey, Barry and Raynale were appointed a committee to bring in said bill.

On motion of Mr. Britain, the vote by which was yesterday lost, on its final passage, the bill entitled "A bill to amend the several acts concerning deeds and conveyances of land," was reconsidered by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Ellis,
Mr. Hough,
Mr. McDonell,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Ten Eyck,

NAYS.

Mr. Barry,	Mr. Manning,	Mr. Summers,	
Mr. Clark,	Mr. McKey,		5

Mr. McDonell then moved that the bill be laid on the table, which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Cooper,	Mr. Hough,	Mr. Rumsey,	
Mr. Davis,	Mr. McDonell,	Mr. Ten Eyck,	
Mr. Ellis,	Mr. Raynale,		8

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. Moore,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Clark,	Mr. McKey,	Mr. President,	9

And the bill, on motion of Mr. McDonell, was recommitted to committee of the whole.

The bill entitled "A bill to lay out a state road from Ypsilanti to Ridgeway," was read a third time and passed.

The special orders of the day being in order, the Senate thereupon resolved itself into committee of the whole, Mr. Britain in the chair, on the resolution relative to a joint committee on the subject of the state penitentiary ; and after some spent thereon, the committee rose, and through their chairman reported the same back to the Senate with sundry amendments.

And the Senate thereupon concurred in said amendments.

And the resolution, on motion of Mr. Ellis, was amended by striking out, after the word "Senate," line one, the words "and the House of Representatives," and inserting ("the House of Representatives concurring herein.")

And the resolution, as amended, was then adopted by the Senate, in the words following :

Resolved by the Senate, (the House of Representatives concurring herein,) That a joint committee, to consist of two from the Senate, and three from the House of Representatives, be appointed, whose duty it shall be to collect information of the most eligible sites for the location of a state penitentiary, and to receive propositions from the owners of such sites, relative to the donation to the state, of grounds for its erection ; and also propositions

for furnishing materials necessary for building the same; and that the said committee be instructed to report to this legislature as soon as the twenty-fourth instant.

And Messrs. Barry and Clark were appointed the committee on the part of the Senate.

The general orders of the day being in order, the Senate then resolved itself into committee of the whole, Mr. Clark in the chair, on the bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties," and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Ellis, thereupon concurred in said amendments, with the exception of the amendment made to section thirteen.

And the Senate non-concurred in the amendment to said section to add, after the word "twenty," the word "five," by yeas and nays, as follows:

YEAS.

Mr. Comstock,	Mr. Manning,	Mr. Moore,
Mr. Davis,	Mr. McDonell,	Mr. Ten Eyck,
Mr. Hough,		

7

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Rumsey,
Mr. Britain,	Mr. McKey,	Mr. Summers,
Mr. Cooper,	Mr. Raynale,	

8

On motion of Mr. Barry, the bill was amended by striking out, section one, line four, the word "law," and inserting "a concurrent vote of the Senate and House of Representatives," by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Moore,
Mr. Britain,	Mr. McDonell,	Mr. Rumsey,
Mr. Ellis,	Mr. McKey,	Mr. Summers,

9

NAYS.

Mr. Comstock,	Mr. Davis,	Mr. Raynale,
Mr. Cooper,	Mr. Hough,	Mr. Ten Eyck,

6

And the bill, on motion of Mr. Manning, was then further

amended by striking out at the end of section one, the words "concurrent vote of the House of Representatives," and inserting the words "like vote."

And the bill was thereupon ordered to be engrossed for third reading.

And the Senate, on motion of Mr. Davis, then went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. Moore, then adjourned.

Saturday, February 18, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Cooper.

On motion of Mr. Hough, leave of absence was granted to Mr. Cooper, until Wednesday next.

Mr. Britain presented the petition of inhabitants of St. Joseph county, praying for the incorporation of the city of St. Joseph. Referred to the committee on incorporations.

Mr. Hough, from the committee on roads and bridges, to whom had been referred a petition of sundry inhabitants of the state for certain improvements in the roads leading from Detroit to the interior, reported the same back to the Senate, and moved that the committee be discharged from the further consideration of the petition, which motion prevailed.

And the petition, on motion of Mr. Hough, was referred to the committee on internal improvement.

Mr. Comstock, from the committee on literature, to whom had been referred so much of the Governor's message as related to the university and school lands, brought in a bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," which bill, having been read a first and second times, was, on motion of Mr. Comstock, laid on the table, and ordered to be printed.

Mr. Barry, from the committee on the judiciary, to whom had been referred a resolution relative to the residence of the Attorney General, reported the same back to the Senate without amendment, recommending the adoption of the resolution.

Mr. Manning moved to lay the resolution on the table, which motion did not prevail.

Mr. Ellis then moved that the resolution be committed to the committee of the whole, which motion was also decided in the negative.

Mr. Ellis moved to amend the resolution by striking out the word "reside," and inserting, "keep an office," which amendment did not prevail.

And the resolution was then adopted by the Senate, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,
Mr. Britain,	Mr. McDonell,	Mr. Rumsey,
Mr. Clark,	Mr. McKey,	Mr. Ten Eyck,
Mr. Davis,	Mr. Moore,	

11

NAYS.

Mr. Comstock,	Mr. Manning,	Mr. Summers,
Mr. Ellis,		

4

The resolution being in the words following :

Resolved by the Senate and House of Representatives of the State of Michigan, That it is made the duty of the Attorney General of this state to reside at the seat of government ; and in case he shall fail so to do, his office shall be deemed to have been vacated.

Mr. Barry, from the select committee appointed for that purpose, brought in a bill entitled "A bill to regulate special partnerships," which bill, having been read a first and second times, was, on motion of Mr. Rumsey, laid on the table and ordered to be printed.

On motion of Mr. Barry, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to amend the several acts concerning deeds and conveyances of land."

Mr. McDonell moved that the bill be committed to the committee on elections ; Mr. Britain moved to amend said motion by adding,

"With instructions so to amend the bill as to declare the office of city register for the city of Detroit, to be abolished, and the re-

gister of deeds for the county of Wayne, required to keep the records for the city of Detroit, in separate books."

While the question was pending, Mr. McDonell moved to lay the motion to commit and the amendment on the table; which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Davis,	Mr. Hough,	Mr. Moore,	
Mr. Ellis,	Mr. McDonell,	Mr. Raynale,	6

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. Rumsey,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Clark,	Mr. McKey,		8

The question then recurring on the amendment, Mr. McDonell moved a call of the Senate, which being sustained, there was absent, Mr. Ten Eyck; absent on leave, Mr. Cooper.

Mr. Ellis moved to amend the amendment by adding thereto as follows:

"And to require the books of records of such city register to be transferred to the office of the county register;" which motion prevailed.

And the amendment, as amended, was adopted, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Raynale,	
Mr. Britain,	Mr. McKey,	Mr. Rumsey,	
Mr. Clark,	Mr. Moore,	Mr. Summers,	
Mr. Comstock,			10

NAYS.

Mr. Ellis,	Mr. Hough,	Mr. McDonell,	3
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And the motion to commit to the committee on elections, with instructions, was decided in the affirmative; and the bill was so committed.

The engrossed bill entitled "A bill to provide for the election of state printer, and to prescribe his powers and duties," was read a third time.

Mr. Ellis, seconded by a majority, moved to amend the bill by striking out. section four, at the close of the section, the words

"for six months after the adjournment of the session in which it became a law," which motion did not prevail.

And the bill then passed the Senate, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,	Mr. McKey,		11

NAYS.

Mr. Ellis,	Mr. Summers,	2
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Mr. Comstock gave notice that he would ask leave, on some future day, to bring in a bill to provide for the reclaiming of marshes.

The Senate then resumed, in committee of the whole, Mr. Hough in the chair, the consideration of the bill from the House of Representatives, entitled "A bill to regulate banking associations;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. Davis, took a recess to half past 2 o'clock, P. M.

AFTERNOON SESSION.

A quorum not having convened,

Mr. Barry moved a call of the Senate, which being sustained, there were absent, Messrs. Clark, Comstock, McDonell, Moore, Raynale, Rumsey, Summers and Ten Eyck; absent on leave, Mr. Cooper.

On motion of Mr. Barry, the door-keeper was sent for the sergeant-at-arms.

The sergeant-at-arms, on motion of Mr. Barry, was sent for the absent members, not absent on leave.

And the Senate, on motion of Mr. Barry, adjourned.

Monday, February 20, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Summers ; absent on leave, Mr. Cooper.

Mr. Ellis presented a petition of sundry inhabitants of Monroe county, relative to the construction of a railroad through the southern tier of counties. Read and referred to the committee on internal improvement.

Mr. Ellis presented a communication from G. B. Harleston, relative to private banking. Read and referred to the committee on incorporations ; the question on so referring the communication, being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Comstock,
Mr. Ellis,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Ten Eyck,

NAYS.

Mr. Davis,
Mr. Hough,

Mr. Moore,

Mr. Raynale,

4

Mr. Britain presented the petition of inhabitants of Berrien county, praying that the subject of the removal of the county seat of said county, may be submitted to the qualified electors of said county. Referred to committee of the whole, when on the bill from the House of Representatives to vacate the county seat of said county.

Mr. Rumsey presented the petition of inhabitants of Saline, Washtenaw county, relative to a mill-race on the salt spring reservation. Read and referred to the committee on the judiciary.

Mr. Comstock, from the committee on literature, to whom had been referred the petition of inhabitants of Palmer, St. Clair county, praying for the location of the state university at that place, reported that it was inexpedient, at this time, to make any location of the university.

And the report and petition, on motion of Mr. Hough, were laid on the table.

Mr. Raynale, in pursuance of previous notice, asked and ob-

tained leave to bring in a bill to incorporate the Byron and Owasso navigation company; and Messrs. Raynale, Britain and Rumsey were appointed a committee to bring in said bill.

Mr. McDonell, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Lake St. Clair and Frederick railroad company; and Messrs. McDonell, Ellis and Hough were appointed a committee to bring in said bill.

On motion of Mr. Rumsey,

Resolved, That the committee on the judiciary be instructed to inquire if any, and what further amendment is necessary to be made to the act providing for the election of justices of the peace, passed March 14th, 1836, and the act making further provision, passed July 26, 1836, and report by bill or otherwise.

Mr. Hough, in pursuance of previous notice, asked and obtained leave to bring in a bill for the prevention of lotteries and the sale of lottery tickets, within this state; and Messrs. Hough, McDonell and Ten Eyck were appointed a committee to bring in said bill.

Mr. Hough submitted a resolution in the words following:

Resolved, That the judiciary committee be instructed to inquire into the expediency of prohibiting the banks of this state from issuing or putting into circulation, from and after the first day of July next, any bills of a less denomination than three dollars; and after the first day of July, 1838, of a less denomination than five dollars; and after the first day of July, 1839, of a less denomination than ten dollars; and also to inquire into what penalties should be imposed on any person or persons offering or receiving in payment of any demand, any such bills of a less denomination than as aforesaid, at any time after the expiration of six months from the date when the said banks shall have been prohibited from issuing bills under such several denominations; and that they be further instructed to bring in a bill making it the duty of the circuit judges, at the opening of the circuit court for each county, to give in charge to the grand jury to find indictments against every person or persons, who shall offer or accept in payment of any demand, or shall in any manner aid in putting or keeping in circulation any such bills as now are or hereafter shall be prohibited by the laws of this state.

The resolution, on motion of Mr. Comstock, was laid on the table.

Mr. McKey gave notice that he should, on a future day, ask leave to bring in a bill authorizing the state to purchase the stock of the Havre branch railroad company.

The Senate then resumed, in committee of the whole, Mr. Hough in the chair, the consideration of the bill from the House of Representatives, entitled "A bill to organize and regulate banking associations;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Clark, then adjourned.

Tuesday, February 21, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Summers: absent on leave, Mr. Cooper.

On motion of Mr. Clark, leave of absence was granted to Mr. Summers, for yesterday, to-day and to-morrow.

Mr. Manning, from the committee on state affairs, to whom had been referred the petition of N. B. Carpenter, brought in a bill entitled "A bill to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned;'" which bill, having been read a first and second times, was, on motion of Mr. Manning, committed to the committee of the whole.

Mr. Britain, from the committee on internal improvement, to whom had been referred a petition of sundry inhabitants of Calhoun county for lowering Brace's lake and reclaiming the marshes adjacent, brought in a bill entitled "A bill appointing commissioners to lower Brace's lake in Calhoun county, and to reclaim the marshes adjacent;" which bill having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom had been referred a petition of inhabitants of the village of Marshall, in Calhoun county, for an extension of the limits of said

village, brought in a bill entitled "A bill to amend an act entitled 'An act to incorporate the village of Marshall,' approved March 28th, 1836;" which bill, having been read a first and second times, was, on motion of Mr. Raynale, committed to committee of the whole.

Mr. McDonell, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Lake St. Clair and Frederick railroad company;" which bill, having been read a first and second times, was, on motion of Mr. McDonell, committed to the committee on internal improvement.

Mr. Hough, from the select committee appointed for that purpose, brought in a bill entitled "A bill for the prevention of lotteries and the sale of lottery tickets;" which bill having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on the judiciary.

Mr. Raynale, from the select committee appointed for that purpose, brought in "A bill to incorporate the Byron and Owasso navigation company;" which bill, having been read a first and second times, was, on motion of Mr. Ellis, laid on the table.

Mr. Hough, from the committee on roads and bridges, to whom had been committed a bill from the House of Representatives, entitled "A bill to extend Fort street in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

A message was received from the House of Representatives, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate a bill entitled "A bill to incorporate the village of White Pigeon," in which the concurrence of the Senate is respectfully requested.

Said bill from the House of Representatives was thereupon read a first and second times, and committed to committee of the whole.

Mr. McDonell gave notice that, on a future day, he would ask leave to bring in a bill to amend an act entitled "An act to incor-

porate the Detroit and Maumee railroad company," approved August 25th, 1835.

The bill from the House of Representatives, entitled "A bill to extend Fort street in the city of Detroit until it intersects the road leading from the Detroit river to Dearbornville," was then read a third time and passed.

The unfinished business of the day being in order, being the question on concurring in the amendments made in committee of the whole to the bill from the House of Representatives, entitled "A bill to organize and regulate banking associations," the Senate thereupon concurred in said amendments, with the exception of the amendment made to section three, line three, and the amendment to section nine, line three.

The question being put on concurring in the amendment to section three, line three, being to strike out "one hundred" and insert "fifty," was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. Moore,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. McDonell,		5

The question being then put on concurring in the amendment to section nine, line three, to insert before the word "provisions" the word "aforesaid," was decided in the negative.

On motion of Mr. Ellis, the bill was further amended by striking out, section four, line the words "said requisite."

On motion of Mr. Ellis, the bill was further amended by transposing sections six and seven.

On motion of Mr. Manning, the bill was further amended by striking out, section thirty, all after the word "than" where it first occurs ; and Mr. Manning then moved to fill the blank with the words "one dollar;" Mr. McDonell moved to fill the blank with "five dollars," and the question on so filling, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,

Mr. Clark,
Mr. McDonell,

Mr. Moore,

5

NAYS.

Mr. Comstock,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. Manning,
Mr. McKey,

Mr. Raynale,
Mr. Rumsey,
Mr. Ten Eyck,

9

Mr. Hough then moved to fill the blank with "three dollars," which motion did not prevail.

Mr. Ellis moved to fill the blank with "two dollars," which motion was also decided in the negative.

The question then recurring on filling with "one dollar," was decided in the affirmative, and the blank was so filled.

Mr. Ellis then moved further to amend the bill by adding to said section, as follows:

"Provided, That no note or bill shall be issued by such association after the first Monday of January, one thousand eight hundred and forty, of a less denomination than five dollars."

The question on said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Britain,

Mr. Ellis,
Mr. McDonell,

Mr. McKey,
Mr. Moore,

6

NAYS.

Mr. Clark,
Mr. Comstock,
Mr. Davis,

Mr. Hough,
Mr. Manning,
Mr. Raynale,

Mr. Rumsey,
Mr. Ten Eyck,

8

And the amendments were thereupon ordered to be engrossed, and the bill to a third reading.

The Senate then resumed, in committee of the whole, Mr. Hough in the chair, the consideration of the bill from the House of Representatives, entitled "A bill to vacate the present seat of justice of the county of Berrien," and after some time spent thereon, the committee rose and reported the bill back to the Senate, without amendment.

Mr. Britain moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

"That the sheriff of Berrien county, shall, at least two weeks

before the first Monday in April next, cause public notice to be given, by publishing the same in each of the newspapers published in Berrien county, and by posting up in at least two of the public places in each township in said county, that the question of the removal of the county seat of Berrien county will be submitted to the qualified electors of said county, at the polls, on the first Monday in April, 1837.

"Sec. 2. It shall be the duty of the board of inspectors, on the opening of the polls for the election of township officers, on the first Monday in April aforesaid, to receive from the qualified electors of their respective townships, their ballots for and against removal, upon one side of which shall be either written or printed the words 'for county seat,' and upon the other side either the words 'St. Joseph' or the word 'Berrien,' which said ballots shall be deposited in a separate box, to be prepared for that purpose, upon which shall be either written or printed the words 'for county seat.'

"Sec. 3. Said election for the county seat shall be conducted, and the returns certified in the manner prescribed by the existing laws of the state, relative to the election of members of the House of Representatives.

"Sec. 4. The county clerk shall file in his office the report of the board of canvassers, and if it shall appear that a majority of the whole votes polled for the location of the county seat shall have been given for Berrien, the county seat shall thereupon be deemed to be located at Berrien; and it shall be the duty of the county clerk to cause the same to be published in each of the newspapers of said county: Provided always, and it is hereby declared, That if the amount of moneys expended in building a jail at St. Joseph, for Berrien county, and all moneys paid to the commissioners for locating the county seat at St. Joseph, not in all exceeding four hundred and fifty dollars, shall not be deposited in the office of the county treasurer, subject to the order of the proper persons within months from and next after the time of the publication of the certificate of the board of canvassers by the clerk, as aforesaid, said county seat shall be considered as permanently located at St. Joseph: And provided further, That all accounts which shall not be deposited with the countv

treasurer, duly proved before the board of supervisors of Berrien county, who are hereby authorized to hear all testimony for and against said claims, within days after the publication as aforesaid, such accounts shall be forfeited by the persons interested, said board giving notice of their meeting for that purpose, by publishing the same weeks in each of the newspapers published in said county.

“Sec. 5. All lots in the village of St. Joseph, which, agreeably to the original plat of said village, as recorded in the register's office, in Cass county, were donated to the county to enable the county to erect county buildings thereon, shall revert to and vest in the proper persons, whenever and as soon as the county seat shall be removed from St. Joseph, and all title and claim of said county to said lots, either in law or equity, shall be deemed to be cancelled and extinguished, any deed which may have been made to the county to the contrary notwithstanding.

“Sec. 6. Any one of either of the boards of inspectors, or any member of the board of canvassers, who shall neglect or refuse to perform the duties required by this act, shall forfeit the sum of one thousand dollars, to be recovered with cost of suit before any court having competent jurisdiction, one-half thereof to be paid to the complainant and the other half to be paid into the treasury of Berrien county.”

The question being on said amendment, Mr. Britain moved a call of the Senate, which being sustained, there was absent, Mr. McDonell; absent on leave, Messrs. Cooper and Summers.

On motion of Mr. Britain, the sergeant-at-arms was sent for Mr. McDonell.

On motion of Mr. Barry, the committee of the whole was discharged from the further consideration of a petition relative to submitting the question of the removal of the county seat of Berrien county to the electors of said county; and said petition was thereupon read to the Senate.

On motion of Mr. McDonell, the amendment was amended by striking out the provisos to section four.

Mr. Britain moved a reconsideration of the vote just taken on striking out the provisos to section four, which motion did not

prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,	
Mr. Britain,	Mr. Manning,	Mr. Rumsey,	6

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. McDonell,	Mr. Ten Eyck,	
Mr. Davis,	Mr. McKey,		8

The question then recurring on the amendment as amended, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Rumsey,	
Mr. Britain,	Mr. McDonell,		5

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Raynale,	
Mr. Davis,	Mr. McKey,	Mr. Ten Eyck,	9

On motion of Mr. Britain, the bill from the House of Representatives was then amended by inserting after the word "village," section two, line fifteen, as follows : "And all moneys paid to the commissioners for locating the county seat of St. Joseph;" the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	
Mr. Hough,	Mr. Moore,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. McKey,	
Mr. Clark,	Mr. Ellis,		5

On motion of Mr. Britain, the bill was further amended by adding, as an additional section, as follows :

"Sec. 3. All lots in the village of St. Joseph, which, agreeably to the original plat of said village as recorded in the register's office in Cass county, were donated to the county to enable the county to erect county buildings thereon, shall revert to and vest in the persons donating the same and their representatives, whenever and as soon as the county seat shall be removed from St.

Joseph, and all title and claim of said county to said lots, either in law or equity, shall be deemed to be cancelled and extinguished, any deed which may have been made to the county to the contrary notwithstanding."

Mr. Ellis moved to amend the bill by striking out the proviso to section two, and add the following as an additional section :

"Sec. 4. The said board of supervisors shall audit and allow to the present and former proprietors of the said village of Berrien, on or before the aforesaid, such sums as they may have expended in the erection of public buildings, which sums so audited shall be paid out of the county treasury."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,

Mr. Ellis,

Mr. Rumsey,

3

NAYS.

Mr. Barry,

Mr. Hough,

Mr. Moore,

Mr. Britain,

Mr. Manning,

Mr. Raynale,

Mr. Constock,

Mr. McDonell,

Mr. Ten Eyck,

Mr. Davis,

Mr. McKey,

11

And the bill was thereupon ordered to a third reading.

Mr. Clark moved that the Senate do now adjourn, which motion did not prevail.

On motion of Mr. Hough, the rules were suspended, for the purpose of taking up a resolution offered on the 31st ult., relative to the hour of meeting of the Senate, two-thirds voting in favor of so suspending the rules.

The Senate having taken up said resolution, and the question being on the amendment offered by Mr. Barry, as a substitute for said resolution, in the words following :

Resolved, That on and after Thursday next, the Senate hold two sessions each day, commencing at ten o'clock, A. M., and half past two o'clock, P. M.

Mr. McKey moved to amend said amendment by striking out "ten," and inserting "nine," which motion did not prevail.

Mr. Clark then moved that the Senate do now adjourn, which motion was decided in the negative.

And the question on the amendment was thereupon decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Comstock,

Mr. McKey,

Mr. Ten Eyck,

4

NAYS.

Mr. Britain,
Mr. Clark,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. Manning,
Mr. McDonell,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,

10

Mr. Clark moved that the Senate do now adjourn, which motion was decided in the negative.

The question then recurring on the original resolution, the resolution was adopted by the Senate, being as follows :

Resolved, That when the Senate adjourns, it do adjourn to meet at nine o'clock to-morrow morning, and that they continue to meet at that hour, until otherwise ordered.

Mr. Hough moved that the Senate do now adjourn, which motion prevailed, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Davis,

Mr. Hough,
Mr. Manning,
Mr. McDonell,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,

9

NAYS.

Mr. Clark,
Mr. Comstock,

Mr. Ellis,
Mr. McKey,

Mr. Ten Eyck,

5

And the Senate thereupon adjourned to nine o'clock, A. M. to-morrow.

Wednesday, February 22, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Cooper.

Mr. Raynale presented certain certificates relative to the removal of the county seat of Shiawassee county. Referred to the committee on towns and counties.

Mr. Manning, from the committee on the judiciary, brought in a bill entitled " A bill to alter the terms of the circuit courts in the first circuit ;" which bill, having been read a first and second

times, was, on motion of Mr. Manning, committed to committee of the whole.

Mr. McKey, from the committee on towns and counties, to whom had been recommitted the bill entitled "A bill to organize certain townships," reported the same back to the Senate, with sundry amendments.

And the bill and amendments, on motion of Mr. Hough, were committed to committee of the whole.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill to create county boards of commissioners, and township boards of trustees, and to define their powers and duties;" which bill, having been read a first and second times, was laid on the table and ordered to be printed.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill from the House of Representatives, entitled "A bill authorizing the building certain dams therein named," reported the same back to the Senate without amendment.

Mr. Ellis moved that the bill be laid on the table, which motion did not prevail; and the bill, on motion of Mr. Britain, was committed to committee of the whole.

Mr. Manning, from the committee on state affairs, to whom had been referred, on the 28th ult., a preamble and resolution relative to the supposed discontinuance of the post office in the city of Detroit, as a distributing office, made a report thereon, which, on motion of Mr. Ellis, was laid on the table.

(See Senate Document No. 21.)

Mr. Britain, from the committee on internal improvements, to whom had been committed the bill entitled "A bill to incorporate the Huron river and New Michigan City railroad company," reported the same back to the Senate without amendment.

And the bill was thereupon laid on the table.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill entitled "A bill to incorporate the Shiawassee and Grand river canal company," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Britain, was committed to committee of the whole.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill entitled "A bill to incorporate the Brest and Grand river railroad company," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Britain, was committed to committee of the whole; the question being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,	Mr. Moore,		8

NAYS.

Mr. Barry,	Mr. Manning,	Mr. Summers,	
Mr. Clark,	Mr. McKey,	Mr. Ten Eyck,	
Mr. Ellis,			7

Mr. McDonell, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act entitled "An act to incorporate the Detroit and Maumee railroad company," approved August 25th, 1835; and Messrs. McDonell, Ellis and Hough were appointed a committee to bring in said bill.

On motion of Mr. McDonell, the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," was committed to committee of the whole; the question being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	
Mr. Ellis,	Mr. Moore,	Mr. Ten Eyck,	9

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	6

On motion of Mr. Barry, the bill entitled "A bill to regulate limited partnerships," was committed to committee of the whole.

Mr. McKey, in pursuance of previous notice, asked and obtained leave to bring in a bill to authorize the state to purchase the stock of the Havre branch railroad company; and Messrs. McKey, Clark and Summers were appointed a committee to bring in said bill.

The bill from the House of Representatives entitled "A bill to vacate the present seat of justice of the county of Berrien," was read a third time and passed; the question on the final passage of the bill being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Summers,	
Mr. Davis,	Mr. McKey,		11

NAYS.

Mr. Britain,	Mr. Rumsey,	Mr. Ten Eyck,	
Mr. Hough,			4

Mr. Britain gave notice that hereafter he would ask leave to enter his protest on the journal of the Senate, against the action had on the above bill, on the ground that the proper legal notice had not been given that application for the removal of the county seat of Berrien county would be made at this session of the legislature.

The bill from the House of Representatives, entitled "A bill to organize and regulate banking associations," together with the amendments made thereto in the Senate, being on third reading, the bill and amendments, on motion of Mr. McDonell, were committed to the select committee who reported the Senate bill entitled "A bill to regulate banking associations."

The Senate then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The Senate then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill entitled "A bill to alter the terms of the circuit courts, for the first circuit;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the Senate, on motion of Mr. Hough, then adjourned.

Thursday, February 23, 1837.

The Senate met pursuant to adjournment.

Mr. Raynale from the committee on incorporations, to whom had been committed the bill entitled "A bill to incorporate the village of Tecumseh," reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment; and the bill, on motion of Mr. Raynale, was committed to committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom had been referred a petition of H. R. Schoolcraft and others, asking for the passage of an act incorporating the Lower Saginaw steamboat company, reported adversely to the prayer of the petitioners.

Mr. McDonell moved that the report and petition be laid on the table, which motion was not decided, a quorum not voting on the question.

Mr. McDonell, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,' approved August 25th, 1835," which bill, having been read a first and second times, was, on motion of Mr. McDonell, committed to committee of the whole.

Mr. McKey, from the select committee appointed for that purpose, brought in a bill entitled "A bill to authorize the state to purchase the stock of the Havre branch railroad company;" which bill was thereupon read a first and second times, and on motion of Mr. McKey, committed to committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom had been referred certain petitions for the incorporation of the village of Mount Clemens, brought in a bill entitled "A bill to incorporate the village of Mount Clemens, in the county of Macomb," which bill was read a first and second times, and on motion of Mr. Raynale, committed to committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom had been referred a petition of citizens of Ionia, for permission to build a dam across Grand river, asked that the committee be dis-

charged from the further consideration of said petition, which motion prevailed.

And the petition, on motion of Mr. Raynale, was referred to the committee on internal improvements.

Mr. Ellis, from the select committee to whom had been committed the bill from the House of Representatives, entitled "A bill to organize and regulate banking associations," reported the same back to the Senate, with certain amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said several amendments.

And the bill, on motion of Mr. Ellis, was thereupon laid on the table.

Mr. McKey, from the committee on towns and counties, to whom had been referred certain petitions of inhabitants of St. Joseph county, to authorize a certain loan, brought in a bill entitled "A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money;" which bill, having been read a first and second times, was, on motion of Mr. McKey, committed to committee of the whole.

Mr. Moore, in pursuance of previous notice, asked and obtained leave to bring in a bill to regulate marriages; and Messrs. Moore, Cooper and Britain were appointed a committee to bring in said bill.

Mr. Raynale gave notice that on to-morrow he should ask leave to bring in a bill to incorporate a company to construct a railroad from Pontiac to Shiawassee town, in Shiawassee county.

On motion of Mr. Comstock, the bills entitled "A bill to provide for the organization and support of primary schools," and "A bill to provide for the disposition of the university and primary school lands, and for other purposes," were committed to committee of the whole.

The unfinished business of the day being in order, being the question on ordering to be engrossed for third reading the bill entitled "A bill to alter the terms of the circuit courts for the first circuit," said bill was ordered to be engrossed.

And the orders of the day being, on motion of Mr. Clark, suspended for that purpose, said bill was thereupon read a third time and passed.

And the Senate then again resolved itself into committee of the whole Mr. Manning in the chair, on the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The President announced a message from the Executive, received through his private secretary, in the words following :

To the Senate and House of Representatives:

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to provide for a geological survey of the state," and "An act to provide for recording patents for lands, and for other purposes."

STEVENS T. MASON.

Feb. 23, 1837:

Also a message on executive business.

The President also announced a message from the House of Representatives through their clerk, in the words following :

MR. PRESIDENT—I am directed by the House of Representatives to inform the Senate that they have appointed a committee of conference on the amendments made to the bill entitled "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," consisting of Messrs. Brown, Ward, Herrington ; that they have also appointed a committee of conference on the amendments made to the bill entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money," consisting of Messrs. McKeen, McGaffey and Shattuck, and that they respectfully request the appointment of similar committees on the part of the Senate. I also herewith transmit to the Senate, a joint resolution on the subject of a state penitentiary, with an amendment thereto, in which the concurrence of the Senate is respectfully requested.

And the Senate, on motion of Mr. Clark, then went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. Comstock, adjourned.

Friday, February 24, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Comstock, Ten Eyck.

On motion of Mr. Davis, leave of absence was granted to Mr. Hough, for one week from to-morrow.

On motion of Mr. Britain, leave of absence was granted to Mr. Comstock, for to-day.

Mr. Raynale presented petitions of citizens of Oakland county, for a timbered road from Bloomfield to Detroit. Referred to the committee on internal improvements.

The resolution relative to a joint committee on the subject of the state penitentiary, with the amendment made thereto by the House of Representatives, having been taken up, the resolution and amendment, on motion of Mr. Hough, were laid on the table.

Mr. Raynale, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Pontiac and Shiawassee railroad company; and Messrs. Raynale, Britain and Barry were appointed a committee to bring in said bill.

The Senate then again resumed, in committee of the whole, Mr. Manning in the chair, the consideration of the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan;" and after some time spent thereon, the committee rose, and through their chairman reported progress and asked and obtained leave to sit again.

The President announced a communication from the Hon. Conrad Ten Eyck, resigning his seat as a member of the Senate.

And, on motion of Mr. Ellis, said communication was ordered to be entered on the journal, being in the words following:

To the President of the Senate of the State of Michigan:

SIR—I herewith resign my seat in the Senate as senator for the first district, and tender to you and to the Senate my best wishes for the public weal and your individual happiness and prosperity.

I am, sir, respectfully,

Your obedient servant,

CONRAD TEN EYCK.

Detroit, February 24, 1837.

And the Senate, on motion of Mr. Summers, then adjourned.

Saturday, February 25, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent Messrs. Davis, Rumsey.

Mr. McDonell, from a select committee of five, brought in a bill entitled "A bill for opening and repairing public roads and highways;" which bill, having been read a first and second times, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Raynale, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Pontiac and Shiawassee railroad company;" which bill, having been read a first and second times, was, on motion of Mr. Raynale, laid on the table and ordered to be printed.

The President announced a message from the Executive, received through his private secretary, in the words following:

To the Senate and House of Representatives:

'In compliance with the request of the Governor of Vermont, I herewith transmit to the legislature certain resolutions of the general assembly of that state.

STEVENS T. MASON.

Feb. 24, 1837.

The message and the accompanying resolutions having been read, the resolutions, on motion of Mr. Barry, were laid on the table.

(See Senate Document No. 22.)

The President also announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate the following bills, which have passed that body, and in which they respectfully ask the concurrence of the Senate: "A bill to provide for the construction of certain works of internal improvement, and for other purposes;" "A bill to provide for the organization of primary schools;" "A bill authorizing the construction of a ship canal

around the Falls of St. Marie;" "A bill to provide for taking the census."

I also herewith return to the Senate, from whence it originated the bill entitled "A bill to alter the terms of the circuit courts in the first circuit," without amendment.

The bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," was thereupon read a first and second times, and committed to the committee on internal improvement.

The bill from the House of Representatives, entitled "A bill to provide for taking the census," was also read a first and second times, and committed to the committee on state affairs.

The bill from the House of Representatives, entitled "A bill to provide for the organization and support of primary schools," was read a first and second times and committed to the committee on literature.

The bill from the House of Representatives, entitled "A bill authorizing the construction of a ship canal around the Falls of St. Marie," was read a first and second times and committed to the committee on internal improvement.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled, the bill entitled "An act to alter the terms of the circuit courts in the first circuit," which bill was thereafter this day presented to the Governor for his signature.

On motion of Mr. McDonell, the resolution offered by him on the 14th instant, relative to the construction of the Detroit and St. Joseph railroad by the state, was committed to the committee on internal improvement.

On motion of Mr. Ellis, a resolution offered by him on the same day, relative to three routes of internal communication across the peninsula, was also referred to the same committee.

On motion of Mr. Hough, leave of absence was granted to Mr. Ellis, until Thursday next, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Cooper,
Mr. Ellis,

Mr. Hough,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,
Mr. Raynale,

NAYS.

Mr. Barry,
Mr. Clark,

Mr. Comstock,

Mr. Summers,

4

On motion of Mr. McDonell, leave of absence was granted to Mr. Davis, for to-day and Monday.

On motion of Mr. Moore, leave of absence was granted to Mr. Ramsey, for to-day and Monday.

Mr. Clark submitted a resolution, in the words following:

Resolved, That the Senate, after Monday next, will hold two sessions each day.

The resolution, on motion of Mr. Ellis, was laid on the table, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Cooper,
Mr. Ellis,

Mr. Hough,
Mr. Manning,
Mr. McDonell,

Mr. Moore,
Mr. Raynale,
Mr. Summers,

9

NAYS.

Mr. Barry,
Mr. Clark,

Mr. Comstock,

Mr. McKey,

4

Mr. Cooper gave notice that, on some future day, he would ask leave to bring in a bill to amend the thirty-third section of "An act appointing commissioners to lay out and establish certain state roads," passed July 26, 1836.

Mr. Barry laid the following resolution on the table :

Resolved, That the legislature, (the House of Representatives concurring herein,) will adjourn without day on the 4th day of March next.

The Senate then again resumed, in committee of the whole, Mr. Manning in the chair, the consideration of the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the first amendment made in committee of the whole, being to strike out the preamble.

to the bill, also in the second amendment, being to strike out the names of commissioners, in lines two and three, section four.

The question on concurring in the third amendment made in committee of the whole, being to strike out, section one, lines six, seven and eight, the words "three thousand three hundred and thirty-three shares, amounting to the sum of three hundred and thirty-three thousand and three hundred dollars," and inserting "six thousand six hundred and sixty-seven shares, amounting to the sum of six hundred and sixty-six thousand and seven hundred dollars," (making the necessary alteration in lines ten and eleven,) was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,

Mr. Cooper,
Mr. Ellis,
Mr. Manning,

Mr. McKey,
Mr. Raynale,
Mr. Summers,

10

NAYS.

Mr. McDonell,

1

The fourth amendment made in committee of the whole, being to insert after the word "at," section one, line thirteen, the words "the capital in the city of," was then also concurred in.

The question being then put on concurring in the fifth amendment, to fill the blank in lines thirteen and fourteen, with the words "or before the first Monday of June next,"

Mr. Barry moved to amend said amendment by striking out "June," and inserting "May," which motion did not prevail ; and the amendment made in committee of the whole was thereupon concurred in by the Senate.

The Senate then concurred in the sixth amendment, to strike out, section one, line fourteen, the word "thirty," and insert "sixty."

The question then being put on concurring in the seventh amendment, being to add, section one, line sixteen, after the word "Detroit," the words following :

"That portion of the stock of said bank, authorized to be subscribed by individuals, shall, before it is so vested in such individuals, be offered at public auction, and the same shall be assigned to such person or persons as shall offer and pay the highest premium therefor ; and in the event that no premium be offered, then

the same shall be distributed among the subscribers according to the provisions of this act,"

It was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Raynale,	
Mr. Britain,	Mr. Cooper,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	9

NAYS.

Mr. Ellis,	Mr. McDonell,	2
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The Senate then concurred in the following several amendments to section two, viz : line two, strike out "Secretary of the Treasury" and insert "Auditor General;" line three, after the words "behalf of," insert "the people of;" and line four, strike out "three hundred and thirty-three thousand and three," and insert "six hundred and sixty-six thousand and seven."

The Senate then also concurred in the next amendment, being to strike out the word "that," wherever it occurs at the beginning of sections.

And the Senate, on motion of Mr. Summers, thereupon concurred in all the other amendments made in committee of the whole, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Comstock,			7

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. McDonell,	3
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Mr. Clark then moved to amend the bill by striking out, section nineteen, line two, the word "five," and inserting "ten," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Ellis,	Mr. McKey,	
Mr. Comstock,	Mr. McDonell,		5

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Summers,	
Mr. Britain,	Mr. Manning,	Mr. President,	6

On motion of Mr. Ellis, the words "in advance," section eighteen, line two, struck out in committee of the whole, were restored.

Mr. Britain moved to amend the bill by adding as an additional section, the following :

"Said bank may as agent for any township, county or corporation, contract any loan which said township, county or corporation may by law be authorized to contract, provided said bank shall in no case be responsible for the reimbursements of said loans."

The question on adopting said amendment, was decided in the negative.

And the bill, on motion of Mr. Ellis, was committed to the committee on the judiciary.

The President announced a message from the Executive, received through his private secretary, in the words following :

To the Senate and House of Representatives :

I have this day approved, and filed in the office of the Secretary of State, the following acts, viz : "An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county ;" "An act to incorporate the village of Coldwater, in the county of Branch ;" and "An act to alter the terms of the circuit courts in the first circuit."

STEVENS T. MASON.

February 25th, 1837.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

MR. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate a bill which has passed that body, entitled "A bill to establish the seat of justice of Branch county ;" in which they respectfully ask the concurrence of the Senate. I am also instructed to inform the Senate that the House non-concurred in the amendment made to the bill entitled "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville ;" and that Messrs. Brown, Ward and Herrington have been appointed a committee of conference on the part of the House of Representatives, and that they respectfully ask the appoint-

ment of a similar committee on the part of the Senate; also, that the House of Representatives insist on the amendment made to the bill entitled "A bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money," in which the Senate non-concurred, and that Messrs. McKeen, McGaffey and Shattuck have been appointed as a committee of conference on the part of the House of Representatives, and that they respectfully ask the appointment of a similar committee on the part of the Senate.

And the Senate, on motion of Mr. Comstock, agreed to the appointment of a committee of conference on the part of the Senate, on the amendment non-concurred in by the House of Representatives, to the bill entitled "A bill to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville;" and Messrs. Comstock, McKey and Britain were appointed said committee on the part of the Senate.

Mr. Manning then moved that the Senate agree to the appointment of a committee of conference on the amendment non-concurred in by the Senate and insisted on by the House, to the amendments made in the Senate to the bill from the House of Representatives, entitled "A bill to authorize the supervisors of the county of Lapeer to loan a certain sum of money."

And the motion to agree to the appointment of said committee, on motion of Mr. Clark, was laid on the table.

Mr. Barry moved that the committee on the judiciary be discharged from the further consideration of the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," which motion prevailed.

And the bill, on motion of Mr. Barry, was committed to the committee on state affairs.

Mr. Ellis moved that the Senate take a recess to half past two o'clock, P. M.

Mr. Summers moved that the Senate do now adjourn, which motion did not prevail.

And the question then recurring on the motion that the Senate take a recess to half past two o'clock, P. M. was lost.

And the Senate, on motion of Mr. Ellis, then adjourned.

Monday, February 27, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent on leave, Messrs. Ellis, Hough and Rumsey.

Mr. Cooper presented a petition of Ira C. Backus and others, of the township of Jacksonburgh, for an alteration in the Clinton and Grand river rapids road. Referred to the committee on roads and bridges.

Mr. Manning, from the committee on the judiciary, who had been instructed by a resolution adopted on the 20th instant, to inquire into what amendments were necessary to the several acts relating to the election of justices of the peace, brought in a bill entitled "A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes," which bill was read a first and second times, and on motion of Mr. Manning, committed to committee of the whole.

Mr. Comstock, from the committee on literature, to whom had been committed the bill from the House of Representatives, entitled "A bill to provide for the organization and support of primary schools," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Barry, was committed to committee of the whole.

Mr. McKey, from the committee on towns and counties, to whom had been referred a petition of inhabitants of Genesee county, praying for a removal of the seat of justice of said county, reported adverse to the prayer of the petitioners, which report was accepted.

And on motion of Mr. McKey, the petitioners had leave to withdraw their petition.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Marshall and Otsego railroad company;" which bill was thereupon read a first and second times, and on motion of Mr. Comstock, committed to the committee on incorporations.

Mr. Raynale, from the committee on incorporations, to whom had been referred certain petitions of inhabitants of Centreville,

St. Joseph county, brought in a bill entitled "A bill to incorporate the village of Centreville," which bill, having been read a first and second times, was, on motion of Mr. Raynale, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to establish the seat of justice of Branch county," having been read a first and second times, was, on motion of Mr. Barry, committed to the committee on towns and counties.

The general orders of the day being in order, the Senate, on motion of Mr. Britain, resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill entitled "A bill appointing commissioners to lower Brace's lake, in the county of Calhoun, and to reclaim the marshes adjacent;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill, together with the petition on which the same was founded, on motion of Mr. Britain, was committed to the committee on the judiciary.

The Senate, on motion of Mr. McKey, then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to organize certain townships;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

A committee was announced from the House of Representatives, who informed the Senate of the death of the Hon. Ezra Convis, late a member of the House of Representatives, which took place this morning, at 9 o'clock, and transmitted a copy of resolutions in relation thereto, which had passed the House of Representatives.

Whereupon, on motion of Mr. Comstock,

Resolved, That as a testimony of the high respect which the Senate entertain for the character of the Hon. Ezra Convis, deceased, the members of the Senate wear the usual badge of mourning for the space of thirty days.

That when the Senate do adjourn, they adjourn to meet in the Senate Chamber at 2 o'clock, to-morrow, P. M., to attend the funeral of the deceased.

And the Senate, on motion of Mr. Comstock, then adjourned.

Wednesday, March 1, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent on leave, Messrs. Ellis and Hough.

Mr. McDonell presented the remonstrance of F. J. B. Crane, against the removal of the seat of justice of Livingston county. Referred to the committee on towns and counties.

Mr. Clark presented the petition of sundry citizens of Clinton county, praying to be attached to the county of Shiawassee, for judicial purposes. Referred to the committee on towns and counties.

Mr. McDonell presented a remonstrance of sundry citizens of Washtenaw county, against an alteration of the state road from Monroe to Saline. Referred to the committee on roads and bridges.

Mr. Barry presented a remonstrance of citizens of Sherman, in St. Joseph county, against a division of that township, which, on motion of Mr. Barry, was laid on the table.

Mr. Raynale, from the committee on incorporations, to whom had been referred the petition of Sidney Ketchum and others, for the incorporation of a wool growing and manufacturing company, reported adverse to the prayer of the petitioners, which report was accepted, and on motion of Mr. Raynale, the petitioners had leave to withdraw their petition.

Mr. McKey, from the committee on towns and counties, to whom had been referred sundry petitions and remonstrances, relative to the removal of the seat of justice of the county of Shiawassee, and also a bill brought in upon leave, entitled "A bill to vacate the present seat of justice of the county of Shiawassee," reported an amendment to said bill, in the nature of a substitute, entitled "A bill to provide for the review of the seat of justice of the county of Shiawassee," which, on motion of Mr. Summers, was laid on the table, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,
Mr. Comstock,

Mr. McDonell,
Mr. McKey,

Mr. Raynale,
Mr. Summers,

6

NAYS.

Mr. Barry,
Mr. Cooper,

Mr. Davis,
Mr. Moore,

Mr. Rumsey,

5

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill entitled "A bill for the relief of Martin Story and A. H. Stowell," reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment, and the bill as amended, was ordered to be engrossed for third reading.

Mr. Moore, from the select committee appointed for that purpose, brought in a bill entitled "A bill to solemnize marriages, which bill, having been read a first and second times, was, on motion of Mr. Moore, laid on the table and ordered to be printed.

Mr. Comstock, from the committee of conference on the part of the Senate, on the amendment made by the Senate, and non-concurred in by the House of Representatives, to the bill entitled "A bill to extend Fort street in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville," reported in favor of the Senate receding from their amendment to said bill.

And the Senate thereupon concurred in said report, and receded from the amendment made to the above bill.

On motion of Mr. McDonell, the several bills entitled "A bill to provide for laying, assessing and collecting the state and county taxes;" "A bill to create county boards of commissioners and township boards of trustees, and to define their powers and duties," and "A bill for opening and repairing public roads and highways," were committed to committee of the whole.

On motion of Mr. Rumsey,

Resolved, That the committee on literature be instructed to inquire into the propriety of disposing of one-fourth, or other quantity of the lands selected for the support of a university, and the immediate location and construction of said university, and report to the Senate as soon as practicable.

Mr. Cooper gave notice that, on some future day, he would ask leave to bring in a bill to amend the charter of the Spring Arbor seminary.

On motion of Mr. Barry,

Resolved, That the judiciary committee be instructed to inquire into the expediency of permitting by law the use of the prisons and jails of this state for the confinement of prisoners arrested in pursuance of the laws of the United States, and to report by bill or otherwise.

Mr. Comstock submitted the following resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Treasurer of the state be, and he is hereby authorized to advance on the order of the Governor, to the president and directors of the Detroit and St. Joseph railroad company, the sum of twenty-five thousand dollars, at a rate of seven per cent. interest, for the period of sixty or ninety days, upon such security as he may deem ample and satisfactory.

Mr. McKey moved that the resolution be laid on the table, which motion did not prevail.

The resolution, on motion of Mr. McDonell, was amended by striking out the word "he," and inserting "the Auditor General," and also further amended by striking out the words "sixty or," and, on motion of Mr. Comstock, by striking out the word "advance," and inserting "loan," and on motion of Mr. Barry, by inserting after the word "dollars," the words "out of the five per cent. fund."

And the resolution was thereupon adopted by the Senate, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,
Mr. Britain,	Mr. Davis,	Mr. Raynale,
Mr. Clark,	Mr. Manning,	Mr. Rumsey,
Mr. Comstock,	Mr. McDonell,	

11

NAYS.

Mr. McKey,	Mr. Summers,
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2

The resolution, as adopted, being in the words following:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Treasurer of the state be, and he is hereby, authorized to loan on the order of the Governor, to the president and directors of the Detroit and St. Joseph railroad company, the sum of twenty-five thousand dollars, out of the five

per cent. fund, at a rate of seven per cent. interest, for the period of ninety days, upon such security as the Auditor General may deem ample and satisfactory.

The Senate then resumed, in committee of the whole, Mr. Davis in the chair, the consideration of the bill entitled "A bill to organize certain townships," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Manning, thereupon concurred in said amendments.

The Senate then resolved itself into committee of the whole, Mr. Cooper in the chair, on the bill entitled "A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with certain amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the several amendments made in committee of the whole.

And the bill was ordered to be engrossed for third reading.

The Senate then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill entitled "A bill to amend the act entitled 'An act to incorporate the village of Marshall,' approved March 20, 1836;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill, on motion of Mr. Comstock, was recommitted to the committee on incorporations.

The Senate then resolved itself into committee of the whole, Mr. McKey in the chair, on the bill entitled "A bill to regulate limited partnerships;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with certain amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

Mr. Comstock moved to lay the bill on the table, which motion did not prevail.

The question then being on ordering the bill to be engrossed, the bill, on motion of Mr. Barry, was laid on the table.

The Senate then resolved itself into committee of the whole, Mr. Moore in the chair, on the bill entitled "A bill to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned ;'" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, without amendment.

And the bill was thereupon ordered to be engrossed for third reading.

The Senate then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the organization and support of primary schools ;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

Mr. Barry moved that the Senate take a recess to half past two o'clock P. M.; Mr. McDonell moved to amend by substituting three o'clock, which amendment did not prevail.

And the question recurring on the original motion, was decided in the affirmative.

And the Senate took a recess to half past two o'clock, P. M.

AFTERNOON SESSION.

The Senate having convened,

Mr. Clark, by consent, called up the motion laid on the table on the 25th ult. for the appointment of a committee of conference on the part of the Senate, on the amendment non-concurred in by the House of Representatives to the bill entitled "A bill to authorize the supervisors of the county of Lapeer to loan a certain sum of money ;" and the Senate thereupon agreed to the appointment of a committee of conference on the part of the Senate on the disagreement between the two houses on the above bills, and Messrs. Manning, Clark and Davis, were appointed said committee on the part of the Senate.

The President announced two messages from the Executive on executive business.

The President also announced a message received from the House of Representatives, through their clerk, in the words following:

Mr. President—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate the following bills, which have passed that body, and in which they respectfully ask the concurrence of the Senate :

“A bill in relation to the last will and testament of Joseph Solato ;”

“A bill to incorporate the Detroit and Pontiac turnpike company ;”

“A bill to provide for the organization and government of the university of Michigan.”

I also herewith transmit to the Senate the bill entitled “A bill to provide for the appointment of state printer, and to prescribe his powers and duties,” with sundry amendments made thereto by the House, in which they respectfully ask the concurrence of the Senate.

The bill from the House of Representatives entitled “A bill to incorporate the Detroit and Pontiac turnpike company,” having been read a first and second times, Mr. Clark moved that the bill be committed to committee of the whole ; before the question was taken, Mr. Barry moved its reference to the committee on incorporations, which motion did not prevail ; and the bill was committed to committee of the whole.

The bill from the House of Representatives, entitled “A bill in relation to the last will and testament of Joseph Solato,” having been read a first and second times, was, on motion of Mr. Comstock, committed to the committee on the judiciary.

The bill from the House of Representatives, entitled “A bill to provide for the organization and government of the university of Michigan,” having been read a first and second times, was, on motion of Mr. Davis, committed to the committee on literature.

The Senate then resumed, in committee of the whole, Mr. Britain in the chair, the consideration of the bill from the House of Representatives, entitled “A bill to provide for the organization and support of primary schools ;” and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

On motion of Mr. McDonell, the amendment reported this morning by the committee on towns and counties, to the bill entitled

"A bill to vacate the present seat of justice of the county of Shiawassee," was ordered to be printed.

And the Senate, on motion of Mr. Cooper, then adjourned.

Thursday March 2, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Ellis ; absent on leave, Mr. Hough.

Mr. McDonell presented a petition of Paul D. Anderson and others, of the township of Ecorce, praying for the establishment of a certain state road ; which, on motion of Mr. McDonell, was laid on the table.

Mr. McDonell also presented the petition of Robert Abbot, relative to the bill now before the legislature for the extension of Fort street, in the city of Detroit ; which, on motion of Mr. McDonell, was laid on the table.

The President announced a communication from the cashier of the Farmers' and mechanics' bank of Michigan, in pursuance of a resolution adopted by the two houses of the legislature on the 4th ult. ; which having been read, was, on motion of Mr. Davis, laid on the table and ordered to be printed.

(See Senate Document No. 23.)

Mr. Barry presented a remonstrance from Moses Botherton and others, remonstrating against granting the prayer of a petition from H. Brace and others ; on motion of Mr. Barry, referred to the committee on the judiciary, to whom had been committed the bill entitled " A bill appointing commissioners to lower Brace's lake in the county of Calhoun, and to reclaim the marshes adjacent."

Mr. McKey, from the committee on towns and counties, submitted a minority report in relation to the removal of the county seat of Shiawassee county ; which, having been read, was, on motion of Mr. Summers, laid on the table and ordered to be printed.

(See Senate Document No. 24.)

Mr. Summers, from the committee on claims, to whom had been committed the bill from the House of Representatives, enti-

tled "A bill for the relief of Samuel A. Bartlett and others," reported the same back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the bill and amendment, on motion of Mr. Davis, were laid on the table.

Mr. McDonell, from the committee on finance, to whom had been referred a message from the Governor, transmitting certain resolutions of the legislature of the state of Georgia, in relation to the surplus revenue of the United States, reported the same back to the Senate, and moved that the same be entered on the journal.

The message and accompanying resolutions, being in the words following :

To the Senate and House of Representatives :

In compliance with the request of the Governor of the state of Georgia, I herewith transmit to the Senate and House of Representatives, the report and resolution of the legislature of that state, on the subject of the surplus revenue of the United States.

STEVENS T. MASON.

March 1, 1837.

EXECUTIVE DEPARTMENT, GA. }
Milledgeville, 9th January, 1837. }

To the Governor of the State of Michigan :

Sir—Annexed I transmit to your Excellency, a copy of the report and resolution of the committee on the state of the republic of the state of Georgia, on the subject of the surplus revenue of the United States, which you will please lay before the legislature of the state over which you have the honor to preside.

I have the honor to be,

Very respectfully, your obed't serv't.

WILLIAM SCHLEY.

Mr. Hudson, from the committee on the state of the republic, to whom was referred so much of the communication of his excellency the Governor which relates to the act of Congress, approved the 23d day of June last, on the subject of a portion of the revenue of the federal government, proposed to be deposited with the states, reports :

That the subject referred to the consideration of your committee, is one of embarrassment and complication. It is one that

those who best understand the theory and practical operation of the federal government (it seems to your committee,) could not have anticipated, nor its direct influence provided for in the sacred charter of compact which so happily unites these states together in a federal government, for certain specific purposes.

By the act of Congress referred to, a certain portion of the public revenue is tendered to the several states, by the federal government of the Union, for their reception, at four specified times during the year of one thousand eight hundred and thirty-seven, on deposit, and the times at which said deposits are offered to be made with the states by the general government, are clearly specified by the said act of Congress, as before referred to. By referring to the first paragraph of the eighth section of the first article of the constitution of the United States, it is declared, that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States;" but no grant of power is given by which Congress has the delegated rights to lay and collect more revenue than the legitimate wants of the federal government may require for the specified purpose of its execution.

Your committee, however, feel it to be their duty to state to the General Assembly, that if it could be ascertained, that the other states of this Union would not receive the proportion of the said revenue allotted to them by the act of Congress as aforesaid, that they would, without hesitation, recommend to the legislature not to receive the proportion which may be allotted to Georgia. But as such precise information cannot be had during the session of the legislature in time to be acted on, and it is now known, that some of the states will receive their respective proportions of the said surplus revenue on the terms offered, and others may also receive their proportions, and if this state should refuse to receive her proportion, the public benefits and burthens, now operating most unequally, would be increased to a very considerable extent, your committee have, therefore, reported a bill to the legislature to receive the proportion of the said surplus revenue, which may be allotted to Georgia under the said act of Congress.

But your committee, in the name and for the people of Georgia, do most solemnly protest against the exercise of the assumed power of the general government, by which the surplus revenue proposed to be deposited with the states was raised, and the right of Congress to distribute the surplus of its treasury to the several sovereign states of this confederacy involved in the distribution thereof, and they do most unequivocally appeal to those in the exercise of the powers of the federal government, so to reduce the receipts that the revenue hereafter raised may be only so much as will be necessary for the legitimate wants of the government; and they do, in the name of the good people of Georgia, appeal to the states of this Union to protest against the exercise of powers by the federal government, calculated to produce discontent and dissatisfaction with the states who are parties to the compact of this Union. Your committee, therefore, recommend the adoption of the following resolution:

Resolved, That his excellency the Governor be, and he is hereby, requested to transmit a copy of this protest to the governors of each of the states, with a request that the same may be laid before the legislatures thereof, and a copy to the President of the United States, and also a copy to each of our senators and representatives in the Congress of the United States, with a request that the same may be laid before both Houses respectively.

In Senate, unanimously agreed to, December 1st, 1836.

ROBERT M. ECHOLS,

President of the Senate.

Attest, JOHN T. LAMAR, *Secretary of the Senate.*

In the House of Representatives, concurred in, 24th December, 1836.

JOSEPH DAY,

Speaker of the House of Representatives.

Attest, JOSEPH STURGES, *Clerk.*

Approved, 28th December, 1836.

WILLIAM SCHLEY, *Governor.*

The bill entitled "A bill to provide for the appointment of state printer, and to prescribe his powers and duties," together with the amendments made by the House of Representatives, to said bill, having been taken up, the bill and amendments, on motion of

Mr. Barry, were recommitted to the select committee who reported said bill.

On motion of Mr. McDonell,

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the "Act to provide for defraying the necessary expenses and public charges, in the respective counties of this territory," approved March 6, 1833.

Mr. Cooper, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act appointing commissioners to lay out and establish certain state roads, approved March 28th, 1836; and Messrs. Cooper, Moore and Manning were appointed a committee to bring in said bill.

On motion of McDonell, leave of absence was granted to Mr. Ellis, for the remainder of the present week.

On motion of Mr. Barry, the bill entitled "A bill to organize certain townships," was made the special order for to-day.

On motion of Mr. McDonell, the bill entitled "A bill appointing commissioners to lay out and establish certain state roads," was committed to committee of the whole.

The engrossed bill entitled "A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes," was read a third time and passed.

The engrossed bill entitled "A bill to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned,'" was also read a third time and passed.

The engrossed bill for the relief of Martin Story and A. H. Stowell," was also read a third time and passed.

And the title, on motion of Mr. Barry, was amended by striking out the word "and," in the title, and adding the words "N. B. Carpenter."

On motion of Mr. Barry, by consent of the Senate, the bill laid on the table, entitled "A bill to regulate limited partnerships," was ordered to third reading.

And the bill was thereupon read a third time and passed.

And the title, on motion of Mr. Barry, was amended by inserting the words "authorize and" before "regulate."

The Senate then again resolved itself into a committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to or-

ganize certain townships," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with certain amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Davis, thereupon concurred in said amendments.

The bill, on motion of Mr. Britain, was further amended by striking out the word "Lowell," in section sixteen.

And the bill was ordered to be engrossed for third reading.

The Senate then resumed, in committee of the whole, Mr. Britain, in the chair, the consideration of the bill from the House of Representatives, entitled "A bill to provide for the organization and support of primary schools," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

The Senate thereupon concurred in the several amendments made in committee of the whole, up to the fourteenth of said amendments.

The fourteenth amendment being to strike out section eight, line seven, the words "and fix the amount of money, in addition to its apportionment, which may be raised for the support of its school the ensuing year, the sum so voted not to exceed in any one year ninety dollars," was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Cooper,
Mr. Davis,

Mr. Manning,
Mr. McDonell,
Mr. Moore,

Mr. Raynale,
Mr. Summers,

6

NAYS.

Mr. Britain,
Mr. Clark,

Mr. Comstock,
Mr. McKey,

Mr. Rumsey,

5

The next amendment made in committee of the whole, was thereupon also concurred in, and the question being upon concurring in the sixteenth amendment made in committee of the whole, to insert, section eight, line four, after the word "repair," the words "to sustain a school at least three months in the year," Mr.

Summers moved to strike out in said amendment, the words "three months."

Whereupon, Mr. Raynale moved a call of the Senate, which being sustained, there was absent, Mr. Davis, absent on leave, Messrs. Ellis, Hough.

And the Senate, on motion of Mr. Barry, took a recess to half past two o'clock, P. M.

AFTERNOON SESSION.

The Senate having convened,

The Senate concurred in the several amendments made in committee of the whole to the bill entitled "A bill to provide for the organization and support of primary schools."

And the bill, together with the amendments, on motion of Mr. Britain, was recommitted to the committee on literature.

And the Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill entitled "A bill to incorporate the Detroit and Pontiac turnpike company," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, without amendment.

And the bill was thereupon ordered to third reading, and on motion of Mr. Britain, read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,
Mr. Britain,	Mr. Ellis,	Mr. Raynale,
Mr. Clark,	Mr. Manning,	Mr. Rumsey,
Mr. Comstock,	Mr. McDonell,	Mr. Summers,
Mr. Cooper,	Mr. McKey,	

14

NAYS.

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The President announced a message received from the House of Representatives, through their clerk, in the words following:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate a joint resolution, which has passed that body, entitled "A resolution authorizing a loan to the Detroit and St. Joseph railroad company," with an

amendment thereto, in which they respectfully ask the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Barry in the chair, on the bill entitled "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,'" approved August 25th, 1835;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments, and the bill was ordered to be engrossed for a third reading.

The Senate then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled "A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Barry, concurred in said amendments.

And the bill was ordered to be engrossed for third reading.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill entitled "A bill to amend the several acts relative to the city of Detroit;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with an amendment proposed to said bill in committee of the whole.

And the bill, on motion of Mr. McDonell, was laid on the table, and the amendment ordered to be printed.

The Senate then resolved itself into committee of the whole, Mr. Cooper in the chair, on the bill entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

On motion of Mr. Davis, the bill entitled "A bill to organize the militia," was committed to committee of the whole.

The Senate then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to incorporate the village of Mount Clemens;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

And the bill was ordered to be engrossed for third reading.

The Senate, on motion of Mr. Barry, then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill from the House of Representatives, entitled "A bill to incorporate the village of White Pigeon;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill, on motion of Mr. Barry, was thereupon ordered to third reading; and the bill was then read a third time and passed, two-thirds voting in the affirmative.

Mr. Britain, from the select committee to whom had been re-committed the bill entitled "A bill to provide for the appointment of state printer, and to prescribe his powers and duties," with the amendments made by the House of Representatives, reported the same back to the Senate, recommending a concurrence in the amendments made by the House of Representatives.

And the Senate thereupon concurred in said amendments.

The Senate, on motion of Mr. Barry, then went into committee of the whole, Mr. McDonell in the chair, on the bill entitled "A bill to incorporate the village of Centreville;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

And the bill, on motion of Mr. Barry, was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,	
Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	12

NAYS.

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The Senate, on motion of Mr. Barry, then went into the consideration of executive business.

When the doors were opened,

On motion of Mr. McDonell, the bill entitled "A bill to incorporate the stockholders of the Savings bank of Michigan," was committed to committee of the whole.

And the Senate then adjourned.

Friday, March 3, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Hough.

Mr. McDonell presented a petition of inhabitants of Hamtramck in relation to certain mill dams. Read and laid on the table.

Mr. Manning, from the committee on state affairs, to whom had been committed the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," reported said bill back to the Senate with an amendment as a substitute for the bill; and the bill and amendment, on motion of Mr. Ellis, were laid on the table, and the amendment ordered to be printed.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled, "A bill to provide for the appointment of state printer, and to prescribe his powers and duties," also "A joint resolution, authorizing a loan to the Detroit and St. Joseph railroad company;" which bill and resolution were thereafter this day presented to the Governor for his signature.

Mr. Cooper, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to appoint commissioners to lay out and establish certain state roads,' approved July 26, 1836;" which bill, having been

read a first and second times, was ordered to be engrossed for third reading.

Mr. Britain from the committee on internal improvement, to whom had been committed the bill from the House of Representatives, entitled "A bill authorizing the construction of a ship canal around the Falls of St. Marie," reported the same back to the Senate, with an amendment, in which they asked the concurrence of the Senate.

And the bill and amendment, on motion of Mr. Ellis, were committed to committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom had been committed the bill entitled "A bill to incorporate the city of Monroe," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Raynale, was laid on the table and ordered to be printed.

Mr. Barry submitted the following resolution :

Resolved, That on and after this day, the Senate, will have two sessions each day, commencing at nine o'clock, A. M., and and half past two o'clock, P. M.

Mr. Ellis moved that the resolution be laid on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. McDonell,	Mr. Raynale,	3
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NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,	
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Comstock,	Mr. McKey,		11

Mr. Ellis then moved to amend the resolution by striking out the word "two," and inserting the word "three," which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. McDonell,	Mr. Raynale,	
Mr. Ellis,	Mr. Moore,	Mr. Summers,	6

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,	
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,		8

Mr. Raynale moved to amend by striking out the words "this day," and inserting "Tuesday next," which amendment was also lost, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. McDonell,	Mr. Raynale,
Mr. Manning,	Mr. Moore,	Mr. Summers,

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. McKey,
Mr. Britain,	Mr. Cooper,	Mr. Rumsey,
Mr. Clark,	Mr. Davis,	

And the resolution was thereupon adopted, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,
Mr. Britain,	Mr. Davis,	Mr. Moore,
Mr. Clark,	Mr. Manning,	Mr. Rumsey,
Mr. Comstock,		

10

NAYS.

Mr. Ellis,	Mr. Raynale,	Mr. Summers,
Mr. McDonell,		

4

Mr. Cooper, in pursuance of previous notice, asked and obtained leave to bring in a bill entitled "A bill to amend an act entitled 'An act to incorporate the trustees of the Spring Arbor seminary;'" and Messrs. Cooper, Moore and Rumsey were appointed a committee to bring in said bill.

On motion of Mr. McDonell, two additional members were added to the committee on towns and counties ; and Messrs. Ellis and Clark were appointed said additional members.

On motion of Mr. Summers, an additional member was added to the committee on claims, to supply the vacancy occasioned by the resignation of Mr. Ten Eyck ; and Mr. Davis was thereupon appointed said additional member.

Mr. Manning, from the committee of conference on the part of the Senate, on the amendment of the House to the third amendment of the Senate to the bill authorizing the supervisors of the county of Lapeer to loan a certain sum of money, which amendment to the amendment was non-concurred in by the Senate, and also on the fifth amendment made to said

bill by the Senate and non-concurred in by the House, reported in favor of the Senate's concurring in the amendment of the House to the eighth amendment of the Senate, striking out "November," and inserting "April."

And the Senate thereupon concurred in said amendment of the House to the amendment of the Senate, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Moore,	
Mr. Britain,	Mr. McDonell,	Mr. Raynale,	
Mr. Clark,	Mr. McKey,	Mr. Rumsey,	
Mr. Davis,			10

NAYS.

Mr. Ellis,	Mr. Summers,	2
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Mr. Barry, from the committee on the judiciary, to whom had been referred the bill from the House of Representatives, entitled "A bill in relation to the last will and testament of Joseph Solato," reported the same back to the Senate, with an amendment in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

And the bill, on motion of Mr. Barry, was then read a third time and passed.

Mr. McDonell, from the committee on elections, to whom had been committed the bill entitled "A bill to provide for the election of senators to the Congress of the United States," reported the same to the Senate without amendment.

And the bill, on motion of Mr. McDonell, was laid on the table and ordered to be printed.

The engrossed bill entitled "A bill to incorporate the village of Mount Clemens," was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Clark,	Mr. McDonell,	Mr. Rumsey,	
Mr. Cooper,	Mr. McKey,	Mr. Summers,	12

NAYS.

Mr. Ellis,	1
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The engrossed bill entitled "A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money," was read a third time and passed.

The engrossed bill entitled "A bill to organize certain townships," having been read a third time, and the several blanks having been filled, and an additional section, on motion of Mr. Britain, having been added to the bill, the bill thereupon passed the Senate.

The engrossed bill entitled "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,' approved August 25th, 1835," was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	12

NAYS.

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The Senate then resolved itself into committee of the whole, Mr. McKey in the chair, on the bill from the House of Representatives, entitled "A bill authorizing the construction of a ship canal around the Falls of St. Marie," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The Senate, on motion of Mr. Britain, then resolved itself into committee of the whole, Mr. Moore in the chair, on the bill entitled "A bill appointing commissioners to lay out and establish certain state roads," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. Barry, adjourned to half past 2 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate then again resolved itself into committee of the whole, Mr. Moore in the chair, on the bill entitled "A bill ap-

pointing commissioners to lay out and establish certain state roads," the question on the Senate then again resolving itself into committee of the whole on said bill, being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,		8

NAYS.

Mr. Cooper,	Mr. McKey,	Mr. Summers,	3
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After some time spent in the consideration of said bill, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. McDonell, concurred in said amendments.

Mr. McKey then moved that the bill be recommitted to the committee on roads and bridges, with instructions to enquire what amendment is necessary in the act or acts regulating highways, for compensating the owners of lands through which roads may pass, which motion did not prevail.

And the bill was thereupon ordered to be engrossed, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Britain,	Mr. Comstock,	
Mr. Cooper,	Mr. McDonell,	Mr. Raynale,	
Mr. Summers,			7

NAYS.

Mr. Davis,	Mr. Ellis,	Mr. McKey,	
Mr. Moore,			4

The Senate then resolved itself into a committee of the whole, Mr. Raynale in the chair, on the bill entitled " A bill to amend an act entitled 'An act to provide for laying out certain territorial roads, and for other purposes ;' approved June 23, 1828 ;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill, on motion of Mr. Comstock, was laid on the table.

The Senate then resolved itself into a committee of the whole, Mr. Raynale in the chair, on the bill entitled "A bill to organize the militia;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. Barry, then went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. Barry, adjourned.

Saturday, March 4, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Manning; absent on leave, Mr. Hough.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill entitled "A bill appointing commissioners to lower Brace's lake in the county of Calhoun, and to reclaim the marshes adjacent," together with a remonstrance against the passage of said bill, reported the bill back to the Senate, and stated that the committee were of the opinion that the bill ought not to pass.

And the bill, on motion of Mr. Barry, was laid on the table.

Mr. Barry, from the committee on the judiciary, to whom the subject had been referred, brought in a bill entitled "A bill relative to the duties of sheriffs and jailers in certain cases;" which bill, having been read a first and second times, was, on motion of Mr. Barry, laid on the table and ordered to be printed.

Mr. McDonell presented sundry petitions of citizens of Detroit, mechanics and others, against teaching convicts the mechanical arts or employing them therein, within the proposed state penitentiary. Read and referred to the committee on state prisons.

On motion of Mr. Clark, leave of absence was granted to Mr. Manning, for to-day and Monday.

Mr. McKey, from the committee on towns and counties, to whom had been committed the bill entitled "A bill to organize the county of Shiawassee, and to attach the county of Clinton to the

same for judicial purposes," reported the same back to the Senate with certain amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

And the bill, on motion of Mr. Ellis, was amended by inserting before the word "judges," the word "associate," and inserting after said word the words "and a judge of probate," and the word "one," after "forty."

On motion of Mr. McKey, the bill was then amended by inserting in lieu of the original fifth section, as amended, as follows :

"Sec. 5. There shall be elected in said county, on the first Monday of May and the next succeeding day, all the county officers which by law the organized counties are entitled to elect ; and the terms of all said officers shall all severally expire at the same time, had the said officers been elected on the first Monday and the next succeeding day of last November."

And the bill, as amended, was thereupon ordered to be engrossed for a third reading.

Mr. McKey, from the committee on towns and counties, brought in a bill entitled "A bill to lay out and define the limits of certain counties," which bill, having been read a first and second times, was, on motion of Mr. McKey, laid on the table and ordered to be printed.

Mr. Cooper, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,' approved March 23, 1835 ;" which bill, having been read a first and second times, was, on motion of Mr. Cooper, committed to committee of the whole.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill entitled "A bill to incorporate the Owasso and Saginaw navigation company," reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

The bill and amendments, on motion of Mr. Barry, were laid on the table and ordered to be printed.

Mr. Comstock, from the committee on literature, to whom had been committed the bill from the House of Representatives, enti-

tled "A bill to provide for the organization and support of the university of Michigan, and for other purposes," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Comstock, was committed to the committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom had been committed the bill entitled "A bill to amend an act entitled 'An act to incorporate the village of Marshall,'" reported the same back to the Senate, with an amendment, as a substitute for said bill, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment, and the bill as amended was, on motion of Mr. Ellis, recommitted to the committee of the whole.

On motion of Mr. Barry, the vote by which were laid on the table and ordered to be printed, the bill entitled "A bill to incorporate the Owasso and Saginaw navigation company," and the amendments proposed to said bill by the committee on internal improvement, was reconsidered, and Mr. Barry thereupon withdrew the motion to lay on the table and order to be printed, said bill and amendments.

And the Senate, on motion of Mr. Ellis, concurred in said amendments.

And the bill, so amended, was, on motion of Mr. Barry, laid on the table and ordered to be printed.

The President announced a message from the Executive, received through the Secretary of State, in the words following :

To the Senate :

I have this day approved and filed in the office of Secretary of State, an act entitled "An act to provide for the appointment of a state printer, and to prescribe his powers and duties," and also "A joint resolution authorizing a loan to the Detroit and St. Joseph railroad company."

STEVENS T. MASON.

March 3, 1837.

The President also announced a message from the Executive, in the words following :

EXECUTIVE OFFICE, }
March 3, 1837. }

To the Senate :

I transmit, for the action of the Senate, the proposition of the Detroit and Pontiac railroad company, for the surrender of their charter to the state. The importance of the improvement here contemplated, is such that I am induced to submit the proposition to the legislature, with the recommendation that it should receive their serious and attentive consideration.

STEVENS T. MASON.

The message and accompanying document, on motion of Mr. Ellis, was referred to the committee on internal improvement.

(See Senate Document No. 25.)

The President also announced a message from the Executive, as follows :

EXECUTIVE OFFICE, }
March 3, 1837. }

Hon. E. MUNDY, President of the Senate :

SIR—I have to request you to inform the Senate, that I have deposited in the Michigan state bank, to the credit of the state Treasurer, six thousand one hundred dollars, received on a warrant drawn in my favor by the Secretary of the Treasury of the United States, on account of the five per cent. fund accruing on the nett sales of public lands during the fourth quarter of 1836.

I have the honor to be

Your obedient servant,

STEVENS T. MASON.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate, the following bills, which have passed that body, and in which they respectfully ask the concurrence of the Senate :

“A bill to incorporate the village of Pontiac ;”

“A bill to incorporate the Gibraltar and Clinton railroad company.”

Said bills from the House of Representatives, having been read

a first and second times, were severally committed as follows : the bill entitled "A bill to incorporate the Gibraltar and Clinton railroad company," on motion of Mr. Barry, to the committee on internal improvement ; and the bill entitled "A bill to incorporate the village of Pontiac," on motion of Mr. Ellis, to the committee on incorporations.

On motion of Mr. McKey, the bill from the House of Representatives, entitled "A bill to incorporate the Lenawee mutual insurance company," was committed to committee of the whole.

On motion of Mr. Barry, the Senate bill of the same title, was also committed to committee of the whole.

Mr. Davis gave notice that he should, on some future day, ask leave to bring in a bill repealing the ninth section of an act entitled "An act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases," approved April 23, 1833.

The engrossed bill entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1836," was read a third time and passed.

The engrossed bill entitled "A bill appointing commissioners to lay out and establish certain state roads," was also read a third time and passed.

The Senate then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill entitled "A bill to provide for the disposition and sale of the university and primary school lands, and for other purposes," and after some time spent thereon, the committee rose, and through their chairman asked and obtained leave to sit again.

The Senate then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the organization and support of the university of Michigan," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate then adjourned to half past two o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill in addition to an act to extend the time for the collection of certain taxes therein mentioned, approved Jan. , 1837;" which bill, having been read a first and second times, was laid on the table and ordered to be printed.

The Senate then again resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the organization and support of the university of Michigan, and for other purposes;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

On motion of Mr. Clark, the bill and amendments were laid on the table.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Barry in the chair, on the bill entitled "A bill to amend the several acts relative to the city of Detroit;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. Cooper, then adjourned.

Monday, March 6, 1837.

The Senate met pursuant to adjournment.

Mr. Raynale, from the committee on incorporations, brought in a bill entitled "A bill to incorporate the village of Constantine;" which bill, having been read a first and second times, was, on motion of Mr. Raynale, ordered to third reading.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill from the House of Representatives, entitled "A bill for the regulation of internal improvement, and for the appointment of a board of commissioners," reported the same back to the Senate, with sundry amendments.

And the bill and amendments, on motion of Mr. Ellis, were committed to committee of the whole.

Mr. Britain, from the same committee, to whom had been committed the bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," reported the same back to the Senate, with sundry amendments.

And the bill and amendments, on motion of Mr. Barry, were committed to committee of the whole, and made the special order for to-day.

Mr. Britain, from the same committee, to whom had been referred a message from the Governor, transmitting a proposition of the Detroit and Pontiac railroad company, reported in favor of the state accepting said proposition, stating that they had incorporated an amendment to meet that object in the bill above reported on.

The President also announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit to the Senate the following bills which have passed that body, in which they respectfully ask the concurrence of the Senate:

"A bill to amend an act entitled 'An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county ;'"

"A bill to incorporate the Pontiac and Huron river canal company ;"

"A bill to incorporate the Michigan mutual fire insurance company ;"

Also, "A joint resolution relative to appointing a state printer," in which they respectfully ask the concurrence of the Senate.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county,'" was read a first and second

times, and on motion of Mr. Barry, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to incorporate the Pontiac and Huron river canal company," having been read a first and second times, Mr. Ellis moved that the bill be committed to the committee on internal improvements; before the question was taken, Mr. Summers moved that the bill be committed to the committee of the whole, which motion prevailed, and the bill was so committed.

The bill from the House of Representatives, entitled "A bill to incorporate the Michigan mutual fire insurance company," was read a first and second times, and on motion of Mr. Barry, committed to the committee on incorporations.

The resolution from the House of Representatives relative to appointing a state printer, having been read, Mr. Ellis moved its reference to committee of the whole; Mr. Hough moved its reference to the committee on the judiciary, which motion did not prevail; whereupon Mr. Hough moved its reference to the committee on elections, which motion also did not prevail; and the resolution was committed to committee of the whole.

On motion of Mr. McDonell, the bills entitled "A bill to provide for the election of senators to the Congress of the United States;" and "A bill to lay out and define the limits of certain new counties," were committed to committee of the whole.

On motion of Mr. Ellis, the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," with the substitute reported by the committee on state affairs, was committed to committee of the whole.

Mr. Ellis presented a communication of D. Fergusson relative to the Dundee hydraulic company. Received and laid on the table.

Mr. Davis, in pursuance of previous notice, asked and obtained leave to bring in a bill to repeal the ninth section of an act entitled "An act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases," approved April 23d, 1833; and Messrs. Davis, Cooper and Moore were appointed a committee to bring in said bill.

Mr. Barry submitted a resolution in the words following :

Resolved, That John S. Bagg be, and he is hereby appointed state printer.

While the question on the adoption of the resolution was pending, the resolution, on motion of Mr. Barry, was laid on the table.

On motion of Mr. Clark, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to lay out and define the limits of certain counties ;" and said bill was recommitted to the committee on towns and counties, who brought in said bill.

On motion of Mr. Britain,

Resolved, That the Senate will, at four o'clock, P. M. of this day, proceed to vote for state printer.

The engrossed bill entitled "A bill to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes," was read a third time and passed.

The special orders of the day being in order, the Senate thereupon resolved itself into committee of the whole, Mr. Hough in the chair, on the bill from the House of Representatives entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes ;" together with the amendments proposed by the committee on internal improvements; and after some time spent thereon, the committee rose, and through their chairman, reported the bill and amendments back to the Senate.

And the bill and amendments, on motion of Mr. Manning, were ordered to be printed, and made the special order of the day for to-morrow.

On motion of Mr. Barry, the bill entitled "A bill relative to the duties of sheriffs and jailers in certain cases," was committed to committee of the whole.

The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," with the substitute proposed by the committee on state affairs ; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate then went into the consideration of executive business.

When the doors were opened,

The amendments proposed by the committee on internal improvements to the bill from the House of Representatives entitled "A bill for the regulation of internal improvement, and for the appointment of a board of commissioners," were ordered to be printed.

And the Senate then adjourned to half past two o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate then resumed in committee of the whole, Mr. Davis in the chair, the consideration of the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, together with amendments made to the amendment reported by the committee on state affairs, in which amendments they asked the concurrence of the Senate.

The Senate thereupon concurred in the first of said amendments, being to add to section four, as follows: "but no further instalment, not authorized by this section, shall be called in by the directors, unless authorized by the legislature."

The question on concurring in the second amendment, being to strike out, section seven, lines three and four, the words "not be stockholders, and they shall," and insert after the word "Governor," the words "and at least three of whom shall not be stockholders," was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Britain,

Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. Rumsey, 6

NAYS.

Mr. Comstock,
Mr. Cooper,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Moore,

Mr. Raynale,
Mr. Summers, 8

The other amendments, with the exception of the fourth, to in-

sert before the word "whenever," section eleven, line seven, the word "and," were severally concurred in by the Senate, the fourth being lost.

On motion of Mr. Barry, the amendment reported by the committee on state affairs, was further amended by striking out, section twenty-seven, line two, the words "one half of."

On motion of Mr. Comstock, the amendment was then amended by striking out, section fourteen, line one, the word "semi-annually," and inserting "every three months."

On motion of Hough, the amendment was amended by striking out, section thirteen, line two, the word "six," and inserting "seven."

Mr. Britain moved to amend the amendment by inserting as an additional section, as follows :

"Sec. . The dividends of said bank shall, so far as the same may be necessary, constitute a sinking fund for the payment of interest accruing on such loans as may be contracted by this state, for works of internal improvement, and the residue, if any, shall be paid into the treasury of the state, subject to the discretion of the legislature."

The question on the adoption of said amendment, was asked in the negative, by yeas and nays, as follows :

NAYS.

Mr. Britain,
Mr. Comstock,

Mr. Ellis,

Mr. McDonell,

4

NAYS.

Mr. Barry,
Mr. Cooper,
Mr. Davis,
Mr. Hough,

Mr. Manning,
Mr. McKey,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Summers,

10

Mr. Ellis then moved to amend the amendment by adding an additional section, in the words following :

"Sec. . It shall be requisite for every director of said bank, before entering upon the duties of his office, to furnish good and sufficient security to the people of this state, to the satisfaction of the Auditor General, in a sum of not less than fifty thousand dollars, nor more than one hundred thousand dollars, conditioned for

the faithful performance of the duties of his office under the provisions of this act."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Summers,	6

NAYS.

Mr. Comstock,	Mr. Manning,	Mr. Raynale,	
Mr. Davis,	Mr. McKey,	Mr. Rumsey,	
Mr. Hough,	Mr. Moore,		8

Mr. McKey then moved to amend the amendment, by striking out, section nineteen, line two, the word "five" and inserting "ten;" which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. McKey,	Mr. Summers,	
Mr. McDonell,			4

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,			10

Mr. Comstock then moved to amend the amendment by insertion section nineteen, line two, after the word "dollars," as follows: "and after the year 1840, not less than twenty dollars;" which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Comstock,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,	Mr. McKey,		5

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	9

Mr. Ellis then moved to amend by adding as an additional section, as follows :

"Sec . . . It shall be requisite for every director of such bank, before entering upon the duties of his office, to furnish good and

sufficient security to the people of this state, to the satisfaction of the Auditor General, in a sum of not less than ten thousand dollars, nor more than twenty-five thousand dollars, conditioned for the faithful performance of the duties of his office, under the provisions of this act."

The question on the adoption of said amendment was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,			10

NAYS.

Mr. Davis,	Mr. Raynale,	Mr. Rumsey,	
Mr. McKey,			4

The amendment, on motion of Mr. Ellis, was amended by inserting after the word "bank," section twenty-two, line two, the words "and paid out upon the order of the proper authority."

Mr. Ellis then moved to amend the amendment further, by adding an additional section in the words following:

"Sec. . All moneys arising to this state as a revenue, or by a direct tax, which shall not be paid in gold and silver, shall be paid in notes of this bank."

The question on the adoption of said resolution, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,	Mr. McKey,	Mr. Summers,	
Mr. McDonell,			4

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,			10

And the Senate, on motion of Mr. Rumsey, then adjourned.

Tuesday, March 7, 1837.

The Senate met pursuant to adjournment.

The President announced a communication from the president and cashier of the Bank of Washtenaw, made in pursuance of the joint resolution of the legislature of the 14th ult. Read, and on motion of Mr. Ellis, laid on the table.

(See Senate Document No. 28.)

Mr. Raynale, from the committee on incorporations, to whom had been committed the bill entitled "A bill to incorporate the Marshall and Otsego railroad company," reported the same back without amendment; and the bill, on motion of Mr. Raynale, was committed to committee of the whole.

Mr. Raynale, from the committee on incorporations, to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Michigan mutual fire insurance company," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Raynale, was committed to committee of the whole.

Mr. Raynale, from the same committee, to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the village of Pontiac," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Raynale, was committed to committee of the whole.

Mr. McKey, from the committee on towns and counties, to whom had been committed the bill from the House of Representatives, entitled "A bill to establish the seat of justice of Branch county," and the report of the commissioners appointed to review the county seat of Branch county, made a report thereon adverse to the passage of said bill, and also against the confirmation of the above report.

(See Senate Document No. 26.)

And the bill and report of the committee, on motion of Mr. Hough, were committed to committee of the whole.

The President announced a message from the Executive, in the words following:

To the Senate:

I have approved and filed in the office of Secretary of State, the following acts, viz:

"An act in relation to the last will and testament of Joseph Solato," and "An act authorizing the supervisors of the county of Lapeer to loan a certain sum of money."

STEVENS T. MASON.

March 6, 1837.

The President also announced messages from the House of Representatives, received through their clerk, as follows :

Mr. PRESIDENT—In accordance with the rules of the House of Representatives, I herewith transmit to the Senate the following bills, which have passed that body, and in which they respectfully ask the concurrence of the Senate :

"A bill to incorporate the Adrian and Coldwater turnpike company ;"

"A bill to provide for the enlargement of the state library."

Mr. PRESIDENT—In accordance with the rules of the House of Representatives, I herewith transmit to the Senate the following bills and joint resolution, which have passed that body, and in which they respectfully ask the concurrence of the Senate :

"A bill to incorporate the Grand Rapids bridge company ;"

"A bill to provide for the relief of Thomas Snyder ;"

"A joint resolution relative to the time of meeting of the legislature."

Mr. PRESIDENT—I am instructed by the House of Representatives to inform the Senate that they have elected John S. Bagg as state printer, for the state of Michigan.

The bill from the House of Representatives, entitled "A bill to provide for the enlargement of the state library," having been read a first and second times, was, on motion of Mr. McDonell, committed to the committee on state affairs.

The bill from the House of Representatives, entitled "A bill to incorporate the Adrian and Coldwater turnpike road company," having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on internal improvements."

The resolution from the House of Representatives having been read, relative to the time for the adjourned session of this legislature, the question on concurring in said resolution, was, on motion of Mr. McDonell, postponed until to-morrow.

The bill from the House of Representatives, entitled "A bill

to incorporate the Grand Rapids bridge company," having been read a first and second times, was, on motion of Mr. McKey, committed to the committee on roads and bridges.

The bill from the House of Representatives, entitled "A bill to provide for the relief of Thomas Snyder," having been read a first and second times, was, on motion of Mr. McKey, committed to the committee on the judiciary.

On motion of Mr. McDonell, the bill entitled "A bill in addition to an act entitled 'An act to extend the time for the collection and payment of certain taxes therein mentioned,' approved January , 1837;" was committed to committee of the whole.

The bill yesterday ordered to third reading, entitled "A bill to incorporate the village of Constantine," was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Clark,
Mr. Cooper,
Mr. Davis,

Mr. Hough,
Mr. Manning,
Mr. McDonell,
Mr. McKey,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,

11

NAYS.

Mr. Ellis,

1

On motion of Mr. McDonell,

Ordered, That the Secretary be authorized to employ an additional assistant during the remainder of the session.

The unfinished business of the day being in order, being the consideration of the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," Mr. Ellis moved further to amend the amendment reported by the committee on state affairs, by adding an additional section in the words following :

"Sec. . No director appointed on the part of the state shall be chosen more than twice in three years, and no person shall be elected a director on behalf of the stockholders unless he shall own in his own right, and not in trust, at least five shares of stock. Every director of such bank shall reside within the state, and a removal therefrom shall be deemed a vacation of office."

The question on the adoption of said amendment was decided in the negative.

Mr. McDonell then moved to amend the amendment by striking out section one, and inserting as follows :

“ The capital stock of said bank, shall, for the present, be one million of dollars : the stockholders may at any time when they shall believe the public interest requires it, augment said capital stock, at any special meeting called for that purpose, a majority of all the votes being given thereupon, under such regulations as the said stockholders shall at such meeting judge proper, to any amount not exceeding five millions of dollars ; and the said bank shall be located at the city of Detroit. The one-half of the amount of stock, to be subscribed for and owned by the state of Michigan, and the other half of the said stock to be subscribed for and owned by the several organized counties of this state, as shall appear by a resolution of the board of supervisors of every such county, authorizing and directing the Treasurer of such county to subscribe for the amount of stock allotted to each county, which stock shall be divided among the said several counties according to their respective population as shall appear by the census taken under the act of the 17th of June, 1835 ; and if the amount of stock allotted to any such county shall not have been subscribed for, as before directed, in that case it shall be the duty of the directors to distribute every such amount of stock among the several remaining counties that are willing to subscribe therefor in the same degree of proportion as in this section directed.

“ The one-half of the surplus revenue of the United States, deposited with this state, shall be invested in that part of said bank stock owned by the state, and the other half of the said surplus revenue shall be invested in that part of said bank stock owned by each of the said several organized counties of this state, in proportion to their respective amount of population as directed by this section, the surplus revenue now received, or which may be hereafter received by the Treasurer of this state, shall be invested as aforesaid, as soon as it can be after it has been received.

“ The directors of the Bank of the commonwealth of Michigan, after giving sixty days' notice in all the newspapers authorized to publish the laws, shall cause to be opened books for the subscription of stock, at the place of holding the circuit court in each of the organized counties of this state, under the direction of

three citizens residing in such county, whom they may appoint for that purpose as commissioners ; the said books to be kept open between the hours of nine and twelve o'clock in each day, for three days.

“ For the purpose of providing funds on the part of the state to pay her subscription of stock in said bank, and to afford to the different organized counties of this state who may become stockholders therein, the ability of paying up the several instalments of stock, the Governor of the state is hereby authorized and directed to contract on the part of this state, a loan of one million of dollars, or so much thereof as may be required for the purposes of this act, at a rate of interest not exceeding five per cent. per annum, redeemable after twenty, and between thirty years, at the pleasure of the state, for the payment of which, and the interest thereon, at such time and place as agreed upon, the faith of the state is hereby irrevocably pledged.

“ That the stockholders of said bank, their successors and assigns, shall be a body corporate and politic, by the name and style of ‘ The president, directors and company of the Bank of the commonwealth of Michigan,’ and shall continue so until the first day of March, 1857 ; and shall by that name be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever ; and that they and their successors may have a common seal, and may change and alter the same at their pleasure ; and that they and their successors, by the name of the president, directors and company of the Bank of the commonwealth of Michigan, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of said corporation.

“ To manage the affairs of the corporation, there shall be a president and ten directors, five on the part of the state, and five to represent the said several counties, one of which shall be chosen to represent each of the senatorial districts, by the several boards of supervisors in such district ; and the person having the majority of votes on the amount of stock, shall be the director elected by such district for that year. The president and direct-

ors on the part of the state, shall annually be nominated, and with the advice and consent of the Senate, appointed by the Governor, and the first appointment shall be made during the present session of the legislature."

The question on so amending, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. McDonell,	Mr. Summers,	3
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NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McKey,		11

On motion of Mr. Ellis, the amendment was amended by adding to section six, as follows :

" The said corporation, so soon as the sum of one hundred thousand dollars shall be paid in on the capital stock thereof, in legal money of the United States, and the directors on the part of the private stockholders elected in pursuance of the provisions of the fifth section of this act, shall commence operations at the city of Detroit."

And the amendment reported by the committee on state affairs, as amended, was thereupon adopted by the Senate, as a substitute for the original bill.

The question then being on ordering the bill to be engrossed for a third reading,

Mr. Britain moved a postponement of the question until Thursday next, which motion did not prevail, and the bill was thereupon ordered to be engrossed, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Britain,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,	Mr. McKey,	Mr. Summers,	
Mr. Ellis,			10

NAYS.

Mr. Comstock,	Mr. McDonell,	Mr. Raynale,	
Mr. Davis,			4

Mr. Davis, from the select committee appointed for that purpose, brought in a bill entitled " A bill to repeal the ninth section of

an act to prescribe the tenure of office of auctioneers, and levy a duty upon sales at auction in certain cases, approved April 23d, 1833," which bill, having been read a first and second times, was, on motion of Mr. Davis, laid on the table.

Mr. Comstock, from the committee on literature, to whom had been committed the bill from the House of Representatives entitled "A bill to provide for the organization and support of primary schools," with the amendments made thereto by the Senate in committee of the whole, reported the same back to the Senate without further amendment.

And the bill and amendments, on motion of Mr. Comstock, were again committed to the committee of the whole.

On motion of Mr. Britain, the Senate then proceeded to the election of a state printer.

Whereupon the vote stood as follows :

For John S. Bagg—Messrs. Barry, Britain, Comstock, Cooper, Davis, Ellis, Manning, McDonell, McKey, Moore, Raynale, Rumsey, Summers—13.

And Mr. Bagg was therefore declared to be unanimously elected state printer on the part of the Senate.

On motion of Mr. Raynale, the bill entitled "A bill to vacate the present seat of justice in the county of Shiawassee," with the amendment reported by the majority of the committee on towns and counties, and the report of the minority of said committee, were committed to the committee of the whole.

The special order of the day being then in order, the Senate resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the House of Representatives entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," and the amendments proposed to said bill by the committee on internal improvements ; and after some time spent thereon, the committee rose, and through their chairman, reported the bill back to the Senate, and asked and obtained leave to sit again.

Mr. Barry then moved that the Senate go into the consideration of executive business.

Mr. Ellis moved that the Senate adjourn, which motion did not prevail.

And the Senate, thereupon went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. McKey, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate resumed, in committee of the whole, Mr. McDonell in the chair, the consideration of the bill from the House of Representatives entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," with the amendments proposed by the committee on internal improvements; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And, the Senate on motion of Mr. Clark, then adjourned.

Wednesday, March 8, 1837.

The Senate met pursuant to adjournment.

Mr. Hough, from the committee on roads and bridges, to whom had been committed the bill from the House of Representatives entitled "A bill to incorporate the Grand Rapids bridge company," reported the same back to the Senate with an amendment.

And the bill and amendment, on motion of Mr. Hough, were committed to committee of the whole.

Mr. Manning, from the committee on state affairs, to whom had been committed the bill from the House of Representatives, entitled "A bill to provide for taking the census," reported the same back to the Senate without amendment.

And the bill was thereupon, on motion of Mr. Manning, committed to committee of the whole.

Mr. Manning, from the same committee, to whom had been committed the bill from the House of Representatives, entitled "A bill to provide for the enlargement of the state library," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Ellis, was committed to committee of the whole.

Mr. Manning gave notice that, at a future day, he should ask leave to bring in a bill to authorize the supervisors of each of the counties of Genesee and Saginaw to loan a sum of money, for the erection of public buildings.

The President announced messages from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate, from whence they originated, the following bills: “A bill to authorize the supervisors of the county of St. Joseph to loan a certain sum of money,” without amendment; “A bill to incorporate the village of Centreville,” with an amendment thereto, in which they respectfully ask the concurrence of the Senate.

I also herewith transmit to the Senate a bill which has passed the House of Representatives, entitled “A bill amendatory to an act entitled ‘An act to provide for the assessment and collection of township and county taxes,’” in which they respectfully ask the concurrence of the Senate.

Mr. PRESIDENT—I herewith transmit to the Senate the following bills, which have passed the House of Representatives: “A bill for the relief of Martin Kundig;” “A bill granting to Norman Nash and Nicholas Ayrault the right of keeping and maintaining a ferry across the St. Clair river;” in which they respectfully ask the concurrence of the Senate.

I also herewith transmit to the Senate, from whence it originated, the bill entitled “A bill to amend an act entitled ‘An act to provide for the inspection of certain articles therein mentioned,’” without amendment.

The bill from the House of Representatives entitled “A bill amendatory to an act entitled ‘An act to provide for the assessment and collection of township and county taxes,’” having been read a first and second times, was, on motion of Mr. Ellis, committed to committee of the whole.

The Senate, on motion of Mr. Barry, then concurred in the amendment made by the House of Representatives to the bill entitled “A bill to incorporate the village of Constantine.”

The bill from the House of Representatives entitled “A bill granting to Norman Nash and Nicholas Ayrault the right of

keeping and maintaining a ferry across the St. Clair river," having been read a first and second times, was, on motion of Mr. Clark, committed to committee of the whole.

The bill from the House of Representatives entitled "A bill for the relief of Martin Kundig," having been read a first and second times, was, on motion of Mr. Barry, committed to the committee on claims.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature," which bill, having been read a first and second times, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Gibraltar and Clinton railroad company," reported the same back to the Senate with sundry amendments.

And the bill and amendments, on motion of Mr. Britain, were committed to committee of the whole.

Mr. Britain, from the same committee, to whom had been committed the bill entitled "A bill to incorporate the St. Clair and Frederick railroad company," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Britain, was committed to committee of the whole.

Mr. Barry moved that the resolution from the House of Representatives, "relative to the time of the adjourned session of this legislature," be committed to committee of the whole and made the special order of the day for to-day ; a division of the question being called for, and the question being first put on committing to committee of the whole, was decided in the affirmative ; and the question on making the resolution the special order of the day for to-day, was lost.

The engrossed bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan," was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,
Mr. Britain,	Mr. Ellis,	Mr. Moore,
Mr. Clark,	Mr. Hough,	Mr. Rumsey,
Mr. Cooper,	Mr. Manning,	

11

NAYS.

Mr. Raynale,	Mr. Summers,
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2

The Senate, on motion of Mr. Barry, took up the bill from the House of Representatives entitled "A bill to organize and regulate banking associations," with the amendments made thereto by the Senate; and the bill having been read a third time, and the question being on the passage of the bill, the chair decided that before the question could be taken, the eighth joint rule would require to be suspended.

Mr. Ellis appealed from this decision of the chair, and the question being put, "shall the decision of the chair stand as the judgment of the Senate," was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Davis,	Mr. Moore,
Mr. Comstock,	Mr. Hough,	Mr. Raynale,
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,

9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,
Mr. Clark,	Mr. Manning,	Mr. Summers,

6

Mr. Britain submitted a resolution, which, on motion of Mr. Barry, was modified and adopted in the words following:

Resolved by the Senate, (the House of Representatives concurring herein,) That the eighth joint rule of the Senate and House of Representatives, so far as the same relates to the passage of a bill to authorize and regulate banking associations be, and the same is hereby, suspended.

Mr. Barry moved a reconsideration of the vote by which was passed the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan:" and on motion of Mr. Ellis, said motion was laid on the table.

The Senate then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill from the House of Represen-

tatives entitled "A bill to provide for the organization and support of primary schools;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The President, in consequence of indisposition, and in pursuance of the third rule of the Senate, called Mr. Barry to the chair.

The Chair announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate the following bills, which have passed the House of Representatives: "A bill to amend an act entitled 'An act to incorporate the village of Niles;'" "A bill to incorporate the Dowagiac hydraulic company." I also herewith transmit to the Senate, from whence they originated, the following resolutions, without amendment: "A resolution for the suspension of the eighth joint rule;" "A resolution requiring the Attorney General to reside at the seat of government."

Mr. McDonell moved that the Senate do now adjourn, which motion did not prevail.

The bill from the House of Representatives, entitled "A bill to organize and regulate banking associations," having been taken up, and the question being on the passage of the bill, the bill passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,	Mr. McKey,		14

NAYS.

Mr. McDonell,	1
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Mr. Comstock moved that the Senate adjourn, which motion did not prevail.

The Senate, on motion of Mr. Hough, took up the motion for a reconsideration of the vote on the final passage of the bill entitled "A bill to incorporate the Bank of the commonwealth of Michigan;" whereupon said motion to reconsider was withdrawn.

Mr. Comstock moved to reconsider said vote. Mr. McDonell

moved to lay said motion on the table, which motion did not prevail.

Mr. Comstock having withdrawn said motion, Mr. McDonell renewed the motion, and the question on reconsideration, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Comstock,	Mr. McDonell,	Mr. Summers,	
Mr. Davis,	Mr. Raynale,		5

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,			10

Mr. Clark moved that the Senate do now adjourn, which motion was decided in the negative.

On motion of Mr. Ellis,

Resolved, That when the Senate adjourns to-day, it adjourn to meet at nine o'clock, A. M. to-morrow.

Mr. Clark moved that the Senate do now adjourn, which motion did not prevail.

The Senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled "A bill to amend an act entitled 'An act to vacate the present seat of justice of the county of Berrien, and to establish the same in the village of Berrien in said county,'" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment, and the bill, on motion of Mr. Britain, was ordered to third reading, and on motion of Mr. Comstock, then read a third time and passed.

The Senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Cooper in the chair, on the bill entitled "A bill to incorporate the village of Tecumseh," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment ; and the bill, on motion of Mr. Hough, was read a third time and passed, two-thirds voting in the affirmative, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	15

NAYS.

0

The Senate, on motion of Mr. Clark, then resolved itself into a committee of the whole, Mr. Davis in the chair, on the bill from the House of Representatives, entitled "A bill to provide for establishing the county seat of Branch county," together with the report of the committee on towns and counties ; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with an amendment, in which they asked the concurrence of the Senate. And the Senate thereupon concurred in said amendment, being to strike out all after the enacting clause.

Mr. Hough then moved to amend by inserting after the enacting clause, as follows ;

" That the present seat of justice in and for the county of Branch, be and is hereby vacated, and the same shall be, and is hereby, established in the village of Mason, on village lots numbered thirty-two and thirty-three, as known by the recorded plat of said village of Mason, in township six south, of range six west."

Mr. Davis rose to a question of order, on the point that said amendment was not in order, on the ground of its conflicting with the thirtieth rule of the Senate ; the chair decided the amendment to be in order.

And the question on the adoption of the amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Moore,	Mr. Raynale,
Mr. Hough,		

4

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McKey,	
Mr. Clark,	Mr. Ellis,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,	Mr. McDonell,		11

Mr. Ellis then moved to amend by inserting after the enacting clause, as follows :

"That the state Treasurer be authorized to refund to the individuals of Branch county, who have deposited in the treasury the sum of two hundred and fifty dollars, for the payment of the commission under the act of the last session, relative to the county seat of Branch county."

Mr. Britain moved to amend the amendment by striking out in the amendment after "two hundred and fifty dollars," and inserting "so much of said sum as shall not have been paid out by said Treasurer under the provisions of the above recited act."

Mr. McDonell moved a call of the Senate, which was not sustained. The question on the amendment to the amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Manning,	Mr. Rumsey,	
Mr. Comstock,	Mr. Raynale,		5

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	
Mr. Davis,			10

The question on the original amendment was then decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. McDonell,	Mr. Summers,	
Mr. Hough,	Mr. Moore,		5

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. McKey,	
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,		6

On motion of Mr. McDonell, the committee of the whole, was discharged from the further consideration of the bill from the House of Representatives, entitled "A bill amendatory to an act

entitled 'An act to provide for the assessment and collection of township and county taxes,' and the Senate bill entitled "A bill in addition to an act entitled 'An act to extend the time for the collection and payment of certain taxes,'" approved January, 1837.

On motion of Mr. Ellis, said bills were recommitted to the committee on finance, with instructions to consolidate the same into one bill.

Mr. McKey moved that the Senate do now adjourn, which motion did not prevail.

Mr. Clark moved that the Senate adjourn, which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Manning,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,			7

Mr. Ellis moved that the Senate take a recess to half past six o'clock, P. M., before the question was taken, the Senate, on motion of Mr. McDonell, adjourned.

Thursday, March 9, 1837.

The Senate met pursuant to adjournment.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled, the following bills: a bill entitled "An act to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,' approved the 25th August, 1835;" a bill entitled "An act to authorize the supervisors of the county of St. Joseph to loan a certain sum of money," and a bill entitled "An act to amend an act entitled 'An act to provide for the inspection of certain articles therein mentioned.'"

Mr. McDonell, from the committee on finance, to whom had been committed the bill from the House of Representatives, entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,'" and

the Senate bill entitled "A bill in addition to an act entitled 'An act to extend the time for the collection and payment of certain taxes therein mentioned,' approved January 30, 1837," reported the same back to the Senate with an amendment, as a substitute for said bills, entitled "A bill amendatory and in addition to 'An act to extend the time for the collection and payment of certain taxes therein named,' approved January 30, 1837;" and the bills and amendments were laid on the table, and the amendment ordered to be printed.

Mr. Manning, from the committee on the judiciary, brought in a bill entitled "A bill securing to Ezekiel J. Moore the use of certain land for the benefit of a mill," which bill, having been read a first and second times, was committed to committee of the whole.

Mr. Summers, from the committee on claims, to whom had been committed the bill from the House of Representatives, entitled "A bill for the relief of Martin Kundig," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Summers, was committed to committee of the whole.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill from the House of Representatives, entitled "A bill authorizing the Governor to loan a certain sum of money," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Britain, was committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to incorporate the Dowagiac hydraulic company," was then read a first and second times, and on motion of Mr. Comstock, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to incorporate the village of Niles,'" was read a first and second times, and on motion of Mr. Comstock, committed to committee of the whole.

The Chair announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate, from

whence they originated, the following bills, which have passed the House of Representatives:

"A bill to incorporate the village of Mount Clemens," without amendment.

"A bill to organize the county of Shiawassee, and attach the county of Clinton to the same for judicial purposes," with sundry amendments thereto, in which they respectfully ask the concurrence of the Senate.

I also herewith transmit to the Senate for their concurrence, a bill entitled "A bill to amend an act entitled 'An act to regulate highways,'"

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to regulate highways,'" was thereupon read a first and second times, and on motion of Mr. McKey, was committed to committee of the whole.

The Senate, on motion of Mr. Raynale, thereupon concurred in the amendments made by the House of Representatives, to the bill entitled "A bill to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes."

The Chair thereupon also announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit to the Senate, from whence it originated, the bill entitled "A bill to amend an act entitled 'An act to incorporate the Detroit and Maumee railroad company,'" without amendment.

The Chair announced a message from the Executive, received through the Secretary of State, in the words following:

To the Senate:

I have this day approved and filed in the office of the Secretary of State, the following acts, viz:

An act entitled "An act to incorporate the village of White Pigeon;"

An act entitled "An act to incorporate the Detroit and Pontiac turnpike company."

STEVENS T. MASON.

Detroit, March 8, 1837.

On motion of Mr. Manning, the bill from the House of Repre-

sentatives, entitled "A bill for the relief of Samuel A. Bartlett and others," was committed to committee of the whole.

Mr. Britain gave notice that, on a future day, he would ask leave to bring in a bill to authorize the board of internal improvement to purchase the stock of the Detroit and Pontiac railroad company ; a bill to authorize the board of internal improvement to purchase the stock of the Havre branch railroad company ; a bill to incorporate the New Buffalo and Logansport railroad company ; a bill to incorporate the St. Joseph and Michigan City railroad company.

The unfinished business of the day being in order, being the consideration of the bill from the House of Representatives entitled " A bill to establish the seat of justice of Branch county," Mr. McDonell moved a reconsideration of the vote taken yesterday on the amendment offered by Mr. Ellis, which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Cooper,	Mr. McDonell,	Mr. Raynale,
Mr. Ellis,	Mr. Moore,	Mr. Summers,
Mr. Hough,		

7

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. McKey,
Mr. Britain,	Mr. Davis,	Mr. Rumsey,
Mr. Clark,	Mr. Manning,	

8

Mr. Britain then moved to amend the bill by inserting after the enacting clause, as follows :

" That so much of the sum of two hundred and fifty dollars deposited in the state treasury, under the provisions of an act to provide for the review of the seat of justice of the county of Branch, approved March 21, 1836, as remains in said treasury, shall be refunded to the persons depositing the same."

The question on the adoption of the amendment was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. Raynale,
Mr. Comstock,	Mr. Hough,	Mr. Rumsey,
Mr. Cooper,	Mr. Manning,	Mr. Summers,
Mr. Davis,	Mr. McDonell,	

11

NAYS.

Mr. Barry,	Mr. McKey,	Mr. Moore,
Mr. Clark,		

4

And the amendment was ordered to be engrossed, and the bill to a third reading; and the bill was then read a third time and passed.

And the title, on motion of Mr. McKey, was amended by striking out "to establish," and inserting "in relation to."

The Senate, on motion of Mr. Raynale, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill entitled "A bill to vacate the present seat of justice of the county of Shiawassee," with the amendment reported by the majority of the committee on towns and counties, and the report of the minority of said committee; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with an amendment to the amendment, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. McKey, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Chair announced a message from the House of Representatives received through their clerk, in the words following:

Mr. **PRESIDENT**—I herewith transmit to the Senate, from whence they originated, the following bills, which have passed the House of Representatives:

"A bill to authorize Nathaniel Odell to convey certain lands," without amendment.

"A bill to incorporate the village of Constantine," without amendment.

"A bill to incorporate the village of Tecumseh," with an amendment thereto, in which they respectfully ask the concurrence of the Senate.

I also herewith transmit a bill which has passed the House of Representatives entitled "A bill declaring a part of the St. Joseph and Coldwater rivers public highways," in which they respectfully ask the concurrence of the Senate.

The bill from the House of Representatives entitled "A bill declaring a part of the St. Joseph and Coldwater rivers public highways," having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on internal improvements.

Mr. McDonell, by consent, presented the petition of R. Gillet and others, relative to a certain road in the township of Hamtramck. Referred to the committee on roads and bridges.

Mr. McDonell, also, by consent, presented a communication of settlers on the Niles reserve. Referred to the committee on state affairs.

(See Senate Document No. 16.)

The Senate thereupon took up the bill entitled "A bill to vacate the present seat of justice of the county of Shiawassee," and concurred in the amendment made in the committee of the whole to the amendment proposed by the committee on towns and counties.

Mr. Ellis then moved further to amend said amendment, by striking out all after the word "thereof," and inserting "until there shall be completed suitable buildings for the holding of courts at the county site."

The question on the adoption of said amendment was lost, the yeas and nays being as follows :

YEAS.

Mr. Barry,	Mr. Manning,	Mr. McKey,
Mr. Clark,	Mr. McDonell,	Mr. Summers,
Mr. Ellis,		

7

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Raynale,
Mr. Cooper,	Mr. Moore,	Mr. Rumsey,
Mr. Davis,		

7

Mr. Ellis moved a reconsideration of the vote just taken, which did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Manning,	Mr. McKey,
Mr. Comstock,	Mr. McDonell,	Mr. Summers,
Mr. Ellis,		

7

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Raynale,
Mr. Britain,	Mr. Hough,	Mr. Rumsey,
Mr. Cooper,	Mr. Moore,	

8

Mr. Ellis moved to amend by inserting after the enacting clause, as follows : "That the county site of Shiawassee be, and

the same is hereby, vacated ;" which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. Hough,	Mr. Raynale,	3
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NAYS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,	
Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Comstock,	Mr. McDonell,	Mr. Summers,	12

And the amendment was then adopted by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. Raynale,	
Mr. Comstock,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. Moore,		8

NAYS.

Mr. Barry,	Mr. Manning,	Mr. McKey,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,			7

Mr. Ellis then moved that the bill be laid on the table, which motion did not prevail.

And the bill was ordered to be engrossed for third reading.

The Senate then again resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the House of Representatives, entitled a bill to provide for the construction of certain works of internal improvement, and for other purposes ;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

On motion of Mr. Hough, an amendment which he proposed to offer as a substitute for the bill last under consideration, was laid on the table and ordered to be printed.

And the Senate, on motion of Mr. Clark, then adjourned.

Friday, March 10, 1837.

The Senate met pursuant to adjournment.

Mr. Barry, from the committee on enrolled bills, reported as correctly enrolled, the following bills :

A bill entitled "An act to incorporate the village of Centre-ville;" and a bill entitled "An act to incorporate the village of Mount Clemens." Also, "A joint resolution requiring the Attorney General to reside at the seat of government;" which bills, together with those yesterday reported by said committee, were thereafter this day presented to the Governor for his signature.

The President announced a communication from the Executive, received through the Secretary of State, in the words following :

EXECUTIVE OFFICE,
Detroit, March 9, 1837. }

SIR—I enclose you the proposition of the Havre branch railroad company, for the surrender of their charter to the state, which I have to request you to submit to the Senate.

Very respectfully,

Your obedient servant,

STEVENS T. MASON.

Hon. E. MUNDY, President of the Senate.

The message and accompanying documents having been read, the communication from the railroad company, on motion of Mr. Ellis, was committed to committee of the whole.

(See Senate Document No. 27.)

Mr. Clark gave notice that, on a future day, he should ask leave to bring in a bill to incorporate the Fort Gratiot and Detroit railroad company.

On motion of Mr. Moore, the bill entitled "A bill to provide for solemnizing marriages," was committed to committee of the whole.

The engrossed bill entitled "A bill to vacate the present seat of justice of the county of Shiawassee," was read a third time, and on motion of Mr. Raynale, laid on the table.

The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill from the House of Representatives, entitled "A bill to incorporate

the village of Pontiac;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

And the bill, on motion of Mr. Ellis, was further amended by inserting after the word "written," section ten, line three, the words "or printed," by adding at the end of section three, "or by publication thereof in some public newspaper," and by striking out at the close of section nineteen these words, "and owns or rents a tenement."

And the bill was thereupon ordered to third reading; and on motion of Mr. Manning, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Ellis,	Mr. McKey,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	12

NAYS.

0

The Senate, on motion of Mr. Cooper, then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,' approved March 23, 1835;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, and asked and obtained leave to sit again.

Mr. McDonell presented the credentials of the Hon. Benjamin B. Kercheval, elected from the first senatorial district, to supply the vacancy occasioned by the resignation of the Hon. Conrad Ten Eyck.

The credentials having been read, and the oath of office having been administered to Mr. Kercheval, by the Hon. Ross Wilkins, judge of the district court of the United States for the state of Michigan, Mr. Kercheval took his seat as a member of the Senate.

The Senate then again resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,' approved March 23, 1835," and after some time spent thereon, the committee rose, and reported the bill back to the Senate without amendment.

And the bill was thereupon ordered to be engrossed for a third reading.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. McKey in the chair, on the bill entitled "A bill to amend the several acts relative to the city of Detroit," together with an amendment previously reported thereto by the committee of the whole ; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments.

And the Senate, on motion of Mr. Ellis, thereupon concurred in said amendments.

And the Senate, on motion of Mr. Moore, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Barry, from the committee on enrolled bills, reported as correctly enrolled, the following bills :

A bill entitled "An act to incorporate the village of Constantine," a bill entitled "An act to authorize Nathaniel Odell, a minor, to convey certain land," and a bill entitled "An act to organize the county of Shiawassee, and to attach the county of Clinton to the same for judicial purposes."

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill entitled "A bill for the prevention of lotteries, and the sale of lottery tickets," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Hough, was committed to committee of the whole.

On motion of Mr. McDonell, the bill entitled "A bill to amend the several acts relative to the city of Detroit," was amended by striking out section twenty-eight, and inserting in lieu thereof, as follows :

"Sec. 28. At any meeting of the inhabitants of the township and city of Detroit, convened for the purpose of raising a tax, no person shall have a right to vote for the imposition of such tax, unless he shall have been assessed for the same on the preceding year, as shall appear by the tax-roll."

On motion of Mr. McDonell, the bill was further amended by adding to section seven, as follows: "and who shall be inspectors of all special and general elections for that year," and also by striking out, section eight, line one, the words "day of March," and inserting "Tuesday immediately preceding the first Tuesday in April."

Mr. Ellis moved to strike out sections twelve, twenty-three, twenty-six and twenty-nine, which motion did not prevail.

And the bill, on motion of Mr. Comstock, was then amended by adding to section twelve, as follows: "the jurisdiction of said court shall not extend beyond the limits of the city, nor shall any person not residing in said city be subject to any process of said court, unless for breaches of the city ordinances, and criminal offences not of a capital nature committed in said city."

And the bill was then ordered to be engrossed for third reading, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Hough,	Mr. McKey,	
Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	12

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. Summers,	
Mr. Davis,			4

The Senate, on motion of Mr. Barry, then resolved itself into committee of the whole, Mr. Summers in the chair, on the bill entitled "A bill relative to the duties of sheriffs and jailers in certain cases," and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Barry, was then ordered to third reading, and read a third time and passed.

The Senate, on motion of Mr. Comstock, then again resumed

in committee of the whole, Mr. Britain in the chair, the consideration of the bill from the House of Representatives, entitled "A bill to provide for the organization and support of primary schools;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Barry, thereupon concurred in the several amendments made in committee of the whole, with the exception of those made to sections twenty and thirteen.

The question then being put on concurring in the amendment to section twenty, being to strike out, article three, the word "district" before "libraries," and inserting "township," and striking out the twentieth section, and inserting in lieu thereof as follows :

"Sec. 20. Each and every township to its proportion of the clear proceeds of all fines collected within the county for any breach of the penal laws, and also its proportion of the equivalents for exemption from military duty, according to the number of children between the ages of five and seventeen inclusive, for the support of its library."

The question on concurring in said amendment was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Summers,
Mr. Clark,	Mr. Ellis,	Mr. President,
Mr. Comstock,	Mr. Manning,	

8

NAYS.

Mr. Britain,	Mr. Kercheval,	Mr. Raynale,
Mr. Davis,	Mr. McKey,	Mr. Rumsey,
Mr. Hough,		

7

And the amendments made to section thirteen, were thereupon also concurred in by the Senate.

Mr. Cooper moved to strike out, section thirteen, the word "ten" before "dollars;" which motion did not prevail.

Mr. Ellis then moved to amend the bill by striking out in section eight, line five, as amended, the words "for a longer term than three months," which motion did not prevail.

On motion of Mr. Comstock, the amendments were ordered to be engrossed, and the bill to a third reading.

The President announced the following message, received from the House of Representatives, through their clerk :

Mr. PRESIDENT—I herewith transmit to the Senate the following bills, which have passed the House of Representatives : “ A bill to provide for the election of state officers ;” “ A bill granting to Thomas Palmer, James McClanan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer ;” “ A bill to amend an act entitled ‘ An act concerning mortgages ;’ ” “ A bill authorizing the board of supervisors of the several counties in this state to make certain allowances to the jailers of said counties ;” “ A bill relative to incorporations for manufacturing purposes ;” “ A bill to incorporate the village of Pontiac ;” and that the House have concurred in the amendments made by the Senate to the last named bill, and have returned the same with further amendments, in which, and in the passage of the above bills, the concurrence of the Senate is respectfully requested.

I also herewith transmit to the Senate, from whence they originated, the following bills, without amendment : “ A bill to furnish each organized county with a complete set of weights and measures ;” “ A bill to amend an act entitled ‘ An act appointing commissioners to lay out and establish certain state roads ;’ ” “ A bill to repeal an act entitled ‘ An act to provide for establishing seats of justice ;’ ” “ A bill to provide for the election of justices of the peace in newly organized townships, and for other purposes.”

I also return, with amendments, the bill entitled “ A bill to organize certain townships,” in which the concurrence of the Senate is respectfully requested.

Mr. PRESIDENT—I herewith transmit to the Senate, from whence they originated, the following bills, without amendment “ A bill to lay out a state road from Ypsilanti to Ridgeway ;” “ A bill to authorize and regulate limited partnerships ;” also, the bill entitled “ A bill to organize the counties of Ionia and Van Buren,” with sundry amendments thereto, in which they respectfully ask the concurrence of the Senate.

I also herewith transmit the following bills, which have passed the House of Representatives: "A bill to provide for the organization of the county of Eaton;" "A bill for the relief of John Goodrich."

The amendments made by the House of Representatives, to the bill entitled "A bill to organize certain townships," were thereupon taken up and severally concurred in.

Whereupon, on motion of Mr. Barry,

Ordered, That three hundred copies of said bill be printed in an extra Free Press, for the use of members.

The Senate, on motion of Mr. Summers, then resolved itself into committee of the whole, Mr. Barry in the chair, on the bill from the House of Representatives, entitled "A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

The question being raised as to whether the passage of the bill required a vote of two-thirds, the President decided that it did not; from this decision Mr. Hough took an appeal, and the question being put, "shall the decision of the Chair stand as the judgment of the Senate," was decided in the affirmative.

Mr. McDonell moved that the bill be laid on the table, which motion did not prevail.

On motion of Mr. Barry, the bill was amended by striking out, in the last section, the words "two-thirds of."

On motion of Mr. Britain, the bill was amended by adding to section six, as follows:

"Said grantees shall, so far as the same may be applicable, be subject to all the provisions of 'An act to regulate ferries,' approved April 20, 1833."

And the bill, on motion of Mr. Barry, was ordered to third reading, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Comstock,	Mr. McDonell,	Mr. Summers,	12

NAYS.

Mr. Hough,

1

And the bill was thereupon read a third time and passed.

The Senate, on motion of Mr. Davis, took up the bill entitled "A bill to repeal the ninth section of 'An act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases,' approved April 23, 1833," and the bill was thereupon ordered to third reading, and read a third time and passed.

And the Senate, on motion of Mr. Clark, then adjourned.

Saturday, March 11, 1837.

The Senate met pursuant to adjournment.

Mr. Rumsey presented an application of the board of supervisors of the county of Washtenaw. Read, and on motion of Mr. Rumsey, referred to a select committee of three, and Messrs. Rumsey, Moore and Ellis were appointed said committee.

Mr. Cooper presented the petitions of supervisors of the county of Jackson, for an alteration in the existing laws regulating the pay of supervisors. Read, and on motion of Mr. Cooper, referred to the committee on towns and counties.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to provide for the relief of Thomas Snyder," reported the same back to the Senate without amendment.

And the bill was thereupon ordered to third reading, and on motion of Mr. Barry, was then read a third time and passed.

Mr. Manning, from the committee on state affairs, to whom had been referred the message from the Governor, and sundry petitions relative to certain pre-emption claims to lands located by the state for the university, on the Niles reservation, in Berrien county, made a report thereon, which having been read, was, on motion of Mr. Manning, laid on the table.

(See Senate Document No. 28.)

Mr. McKey, from the committee on towns and counties, to whom had been committed the bill entitled "A bill to lay out and

define the limits of certain counties," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. McKey, was committed to committee of the whole.

The President presented a communication from a meeting of mechanics and others of Mt. Clemens, relative to the employment of convicts in the state penitentiary. Read, and on motion of Mr. Hough, referred to the committee on state prisons.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate, a bill which has passed the House of Representatives, entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes," in which they respectfully ask the concurrence of the Senate.

Said bill from the House of Representatives, having been read a first and second times, was, on motion of Mr. Manning, committed to committee of the whole.

The amendments made by the House of Representatives to the bill entitled "A bill to organize the counties of Ionia and Van Buren," were severally concurred in by the Senate, with the exception of the second of said amendments, being to strike out, section five, the words "at the seat of justice."

The bill from the House of Representatives, entitled "A bill for the relief of John Goodrich," having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on claims.

The bill from the House of Representatives, entitled "A bill to provide for the organization of the county of Eaton," having been read a first and second times, was, on motion of Mr. Manning, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill relative to incorporations for manufacturing purposes," having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill authorizing the board of supervisors of the several counties in this state to make certain allowances to the jailers of said coun-

ties," having been read a first and second times, was, on motion of Mr. Summers, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act concerning mortgages,'" having been read a first and second times, was, on motion of Mr. Hough committed to the committee on the judiciary.

The bill from the House of Representatives, entitled "A bill to provide for the election of state printer," having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on elections.

The bill from the House of Representatives, entitled "A bill granting to Thomas Palmer, James McClanan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer," having been read a first and second times, was, on motion of Mr. McDonell, committed to committee of the whole.

On motion of Mr. Ellis, the bill entitled "A bill to incorporate the city of Monroe," was committed to committee of the whole.

On motion of Mr. McDonell, the vote taken yesterday on the final passage of the bill from the House of Representatives, entitled "A bill granting to Norman Nash and Nicholas Ayrault the right of keeping and maintaining a ferry across the St. Clair river," was reconsidered ; the question on reconsideration being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Manning,	
Mr. Britain,	Mr. Hough,	Mr. McDonell,	
Mr. Davis,	Mr. Kercheval,	Mr. Moore,	9

NAYS.

Mr. Clark,	Mr. Cooper,	Mr. Summers,	5
Mr. Comstock,	Mr. Rumsey,		

Mr. Hough moved that the bill be committed to the committee on the judiciary, which motion did not prevail.

And the bill then passed the Senate by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Moore,	
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Clark,	Mr. Kercheval,	Mr. Summers,	9

- NAYS.

Mr. Ellis,	Mr. Manning,	Mr. McDonell,	
Mr. Hough,			4

The bill from the House of Representatives, ordered to third reading, entitled "A bill to provide for the organization and support of primary schools," with the engrossed amendments, was read a third time and passed.

The engrossed bill entitled "A bill to amend 'An act relative to the city of Detroit, and the several acts amendatory thereto,'" was thereupon read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McDonell,	Mr. Summers,	
Mr. Hough,			10

NAYS.

Mr. Clark,	Mr. Ellis,		2
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The engrossed bill entitled "A bill to amend an act entitled 'An act to incorporate the trustees of the Spring Arbor seminary,' approved March 23, 1833," was also read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,	Mr. Summers,	
Mr. Davis,			13

NAYS.

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The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Clark in the chair, on the bill from the House of Representatives, entitled "A bill to provide for taking the census," and after some time spent thereon, the com-

mittee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill, on motion of Mr. Comstock, was recommitted to the committee on state affairs.

The Senate then again resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. Rumsey, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Britain, the Senate took up the report of the committee on state affairs, on the subject of the university lands on the Niles reservation; Mr. Britain having moved to amend said report, by adding thereto another resolution, the report and proposed amendment, on motion of Mr. Ellis, were laid on the table.

Mr. Ellis then moved that the Senate resolve itself into committee of the whole, on the bill entitled "A bill to incorporate the city of Monroe," which motion did not prevail.

The Senate then again resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The Senate, on motion of Mr. Ellis, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled "A bill to incorporate the city of Monroe;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate concurred in said amendments.

Mr. Barry, from the committee on enrolled bills, reported as correctly enrolled, a bill entitled "An act to organize certain townships," which bill, together with the enrolled bills entitled, "An act to incorporate the village of Constantine," and "An act to authorize Nathaniel Odell, a minor, to convey certain land," were this day presented to the Governor for his signature.

And the Senate, on motion of Mr. Ellis, then adjourned.

Monday, March 13, 1837.

The Senate met pursuant to adjournment.

Mr. McDonell, from the committee on elections, to whom had been committed the bill from the House of Representatives entitled "A bill to provide for the election of state officers," together with a resolution adopted in Senate on the 31st January, relative to a bill for the election of state officers, brought in a bill as a substitute for said bill from the House of Representatives, entitled "A bill to regulate general elections."

The bill and proposed substitute, on motion of Mr. Hough, were laid on the table, and the substitute ordered to be printed.

Mr. Manning, from the committee on state affairs, to whom had been recommitted the bill from the House of Representatives, entitled "A bill to provide for taking the census," reported the same back to the Senate with an amendment, as a substitute for said bill.

And the bill and amendment, on motion of Mr. Manning, were committed to committee of the whole.

The President announced a message from the Executive, in the words following:

To the Senate:

I have this day approved and filed in the office of the Secretary of State, an act entitled "An act to organize certain townships."

STEVENS T. MASON.

March 11, 1837.

The President announced a communication from the president and cashier of the Michigan state bank, in pursuance of a reso-

lution of the legislature of the 14th ult.; on motion of Mr. Barry, laid on the table.

(See Senate Document No. 23.)

The President announced messages from the House of Representatives, received through their clerk in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate, from whence it originated, a bill entitled “A bill appointing commissioners to lay out and establish certain state roads,” with sundry amendments thereto, in which they respectfully ask the concurrence of the Senate.”

Mr. PRESIDENT—I herewith transmit to the Senate the following bills, which have passed the House of Representatives, and in which they respectfully ask the concurrence of the Senate :

“A bill to provide for the renewal of sheriffs’ bonds ;”

“A bill to amend an act entitled ‘An act to regulate taverns ;’ ”

“A bill authorizing the building of certain dams therein named ;”

“A bill to discharge the demands for supporting the supremacy of the laws.”

I also am directed to inform the Senate that the House have insisted upon their amendment made to the bill entitled “A bill to organize the counties of Ionia and Van Buren,” in which the Senate non-concurred ; and that the House have appointed a committee of conference on their part, consisting of Messrs. Lothrop, Jos. Smith, Cornell, and they respectfully ask the appointment of a similar committee on the part of the Senate.

On motion of Mr. Cooper, the Senate agreed to the appointment of a committee of conference on their part, on the disagreement between the two houses on the bill entitled “A bill to organize the counties of Ionia and Van Buren,” and Messrs. Cooper, McKey and Moore were appointed said committee.

The Senate then concurred in the several amendments made by the House of Representatives to the bill entitled “A bill appointing commissioners to lay out and establish certain state roads.”

The bill from the House of Representatives, entitled “A bill to provide for the renewal of sheriffs’ bonds,” having been read a

first and second times, was, on motion of Mr. Ellis, committed to the committee on the judiciary.

2193
The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to regulate highways,'" having been read a first and second times, was, on motion of Mr. Hough, committed to the committee on finance.

The bill from the House of Representatives, entitled "A bill authorizing the building of certain dams therein named," having been read a first and second times, was, on motion of Mr. Comstock, committed to the committee on internal improvement.

The bill from the House of Representatives, entitled "A bill to discharge the demands for supporting the supremacy of the laws," having been read a first and second times, was, on motion of Mr. McKey, committed to the committee on claims.

Mr. Summers, from the committee on claims, to whom had been committed the bill from the House of Representatives, entitled "A bill for the relief of John Goodrich," reported the same back to the Senate without amendment.

And the bill was thereupon ordered to third reading.

Mr. Clark, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the Detroit and Lake Huron railroad company," and Messrs. Clark, Manning, and McKey were appointed a committee to bring in said bill.

On motion of Mr. Barry, the resolution from the House of Representatives, relative to the time of the adjourned session of this legislature," was made the special order of the day for to-day.

On motion of Mr. McDonell, Mr. Kercheval was appointed to supply the vacancies on the several committees occasioned by the resignation of the Hon. C. Ten Eyck.

Mr. Clark, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Detroit and Lake Huron railroad company," which bill was thereupon read a first and second times.

Mr. Clark moved that the bill be committed to committee of the whole; before the question was taken, the bill, on motion of Mr. Summers, was laid on the table.

Mr. Britain, from the committee on internal improvement, to

whom was referred the petition of inhabitants of Wayne county for the incorporation of a company to construct a timbered road from Detroit to Plymouth, reported that in the opinion of the committee, the subjects of the petition are all embraced in the bill to incorporate the Detroit and Ann Arbor timbered road, or turnpike company, and the committee therefore ask to be discharged from the further consideration of the subject.

Said report was accepted, and the committee so discharged.

Mr. Britain, from the same committee, to whom had been committed the bill from the House of Representatives, entitled "A bill declaring a part of the St. Joseph and Coldwater rivers public highways," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Ellis, was committed to the committee on the judiciary.

Mr. Britain, from the committee on internal improvement, to whom had been committed the bill entitled "A bill to incorporate the Detroit and Ann Arbor timbered road or turnpike company," reported the same back to the Senate with sundry amendments, recommending that the bill be so amended as to require the completion of the road in a given time, to prescribe the kind of road to be constructed, and make the property of the stockholders vested in said road, personal property, and liable accordingly, for the payment of their debts, and therefore advising the adoption of the accompanying amendments.

And the bill and amendments, on motion of Mr. Britain, were thereupon committed to committee of the whole.

Mr. Britain, from the committee on internal improvements, to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Adrian and Coldwater turnpike road company," reported the bill back to the Senate with sundry amendments.

And the bill and amendments, on motion of Mr. Britain, were committed to committee of the whole.

Mr. Britain, from the committee on internal improvements, to whom was referred the petition of inhabitants of Oakland county, for a timbered road from Bloomfield to Detroit, reported that the incorporation of the Detroit and Pontiac turnpike company, ren-

dered further legislation upon the subject unnecessary at this time, and the committee therefore asked to be discharged from the further consideration of the subject.

And the committee were thereupon so discharged.

Mr. Britain, from the committee on internal improvement, to whom was referred the petition of inhabitants of the counties of Ottawa, Kent, Ionia, Clinton, Shiawassee, Livingston, Oakland and Wayne, for the appointment of a board of commissioners to survey a canal route from Grand river, through the waters of the Looking Glass, Huron and Rouge rivers to Detroit, reported a bill providing for an exploration of the route by a competent engineer, under the direction of the board of internal improvement, and a survey of the same, if deemed expedient by said board, after having received and duly considered the report of said exploring engineer; and the committee asked to be discharged from the further consideration of said petitions.

And the committee were so discharged, and the bill having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

Mr. Britain, from the committee on internal improvement, to whom was referred the petition of E. P. Hastings and A. Bears, for authority to build a dam across Grand river; the petition of W. Draper, for authority to build a dam across Flint river; the petition of Thomas L. Brent, for authority to build a dam across Flint river; and the petition of Joseph W. Brown and Samuel Dexter, for authority to build a dam across Grand river in the county of Ionia; brought in a bill entitled "A bill to authorize the building of certain dams;" which bill, having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

Mr. Britain, from the committee on internal improvements, to whom had been referred sundry petitions relative to the roads leading from Detroit to the interior of the state, brought in a bill entitled "A bill to incorporate the Detroit and Grand river timbered road company;" which bill, having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

Mr. Britain, also by consent, presented a petition of inha-

bitants of St. Joseph for authority to contract a loan, which, on motion of Mr. Britain, was referred to a select committee of three ; and Messrs. Britain, Raynale and Rumsey were appointed said committee.

Mr. Comstock presented the petition of five hundred inhabitants of the counties of Washtenaw, Jackson, Calhoun and Kalamazoo, praying for the passage of an act enabling the Detroit and St. Joseph railroad company to use a part of the Chicago road. On motion of Mr. Comstock, referred to the committee on the judiciary.

On motion of Mr. McDonell, the bill from the House of Representatives, entitled " A bill amendatory to an act entitled ' An act to provide for the assessment and collection of county and township taxes,' " together with the amendment proposed by the committee on finance, were committed to committee of the whole.

Mr. McKey gave notice that, on a future day, he should ask leave to bring in a bill to amend an act to organize certain townships.

The bill from the House of Representatives, ordered to a third reading, entitled " A bill for the relief of John Goodrich," having been read a third time, was, on motion of Mr. Ellis, laid on the table.

On motion of Mr. Ellis, the bill entitled " A bill to incorporate the city of Monroe," was recommitted to the select committee who reported said bill.

The special orders of the day being in order, being the resolution from the House of Representatives, relative to the time of the adjourned session of the legislature, the Senate thereupon resolved itself into committee of the whole, Mr. Comstock in the chair, on said resolution ; and after some time spent thereon, the committee rose, and through their chairman, reported the same back to the Senate, with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment, being to strike out " third day of October," and insert " ninth day of November," the question on concurring in said amendment, being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Comstock,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,
Mr. Rumsey,

9

NAYS.

Mr. Cooper,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. Kercheval,

Mr. Raynale,
Mr. Summers,

7

Mr. Davis moved further to amend said resolution, by striking out "the capitol in the city of Detroit," and inserting "Ann Arbor," which motion did not prevail.

And the resolution, as amended, was thereupon concurred in by the Senate, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,

Mr. Cooper,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Moore,
Mr. Rumsey,

12

NAYS.

Mr. Davis,

Mr. Ellis,

Mr. Raynale,

3

The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill from the House of Representatives, entitled "A bill to provide for taking the census," together with the amendment proposed by the committee on state affairs; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, without amendment.

Mr. Barry thereupon renewed the amendments proposed by the committee on state affairs, being to strike out all after the enacting clause, and insert a bill corresponding in its provisions with the act to provide for taking the census, approved September 6, 1834; which amendment was adopted by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Manning,
Mr. Moore,
Mr. Rumsey,

Mr. Summers,
Mr. President,

8

NAYS.

Mr. Davis,
Mr. Ellis,
Mr. Hough,

Mr. Kercheval,
Mr. McDonell,

Mr. McKey,
Mr. Raynale,

7

Mr. Hough moved that the bill be laid on the table, which motion did not prevail.

And the bill was then ordered to third reading; and on motion of Mr. Barry, was then read a third time and passed.

The Senate, on motion of Mr. Britain, then resolved itself into committee of the whole, Mr. Cooper in the chair, on the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to incorporate the village of Niles;'" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, without amendment.

And the bill was thereupon ordered to third reading; and on motion of Mr. Britain, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Ellis,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Raynale,
Mr. Rumsey,

12

NAYS.

0

The Senate, on motion of Mr. Britain, then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill from the House of Representatives, entitled "A bill to incorporate the Dowagiac hydraulic company;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

The bill, on motion of Mr. Britain, was amended by inserting as section eight, as follows:

Sec. 8. The property of each stockholder, vested in the stock of said company, shall be deemed personal property, and liable to be taken in execution for the payment of any of his or their just debts, in such manner as is or may be prescribed by law.

And the bill was then ordered to third reading.

The President announced a message from the House of Representatives received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate a resolution which has passed the House of Representatives relative to the bank commissioners, in which they respectfully ask the concurrence of the Senate.

Said resolution, on motion of Mr. McDonell, was laid on the table.

The President announced a message from the Executive, received through the Secretary of State, in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

“ An act to incorporate the village of Constantine ;” “ An act to authorize Nathaniel Odell, a minor, to convey certain lands ;” “ An act to authorize the supervisors of the county of St. Joseph to loan a certain sum of money ;” An act to incorporate the village of Mount Clemens ;” “ An act to incorporate the village of Centreville ;” “ An act to amend an act entitled ‘ An act to incorporate the Detroit and Maumee railroad company ;’ ” “ An act to amend an act entitled ‘ An act to provide for the inspection of certain articles therein mentioned ;’ ” “ A joint resolution requiring the Attorney General to reside at the seat of government.”

STEVENS T. MASON.

March 13, 1837.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill from the House of Representatives entitled “ A bill amendatory to an act entitled ‘ An act to provide for the assessment and collection of township and county taxes,’ ” with an amendment proposed to said bill by the committee on finance, and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

The Senate, on motion of Mr. Hough, then took a recess for half an hour.

When the Senate convened,

The Senate took up and concurred in the several amendments

made in committee of the whole, to the bill from the House of Representatives entitled "A bill amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes.'"

And the bill was then ordered to a third reading ; and on motion of Mr. McDonell, was read a third time and passed.

And the title, on motion of Mr. McDonell, was amended to correspond with the amendment adopted as a substitute for said bill.

The Senate, on motion of Mr. McKey, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to regulate highways ;'" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the first of said amendments, being to strike out, section one, after "dollar," the words "and twenty-five cents," by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Ellis,	Mr. Raynale,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	12

NAYS.

Mr. Hough,	Mr. Moore,	Mr. Summers,	
Mr. McKey,			4

And the Senate thereupon concurred in the several other amendments made in committee of the whole.

And the bill was then ordered to a third reading, and on motion of Mr. Ellis, then read a third time and passed.

The Chair (Mr. Barry) announced a message from the House of Representatives received through their clerk, in the words following.

Mr. PRESIDENT—I herewith transmit to the Senate the following bills and joint resolutions, which have passed the House of Representatives :

"A bill to incorporate the Saginaw and Genesee railroad company ;"

"A bill to incorporate the Ypsilanti and Manchester railroad company ;"

"A bill to incorporate the Detroit and Shiawassee railroad company ;"

"A bill to provide for resignations, vacancies and removals from office ;"

"A bill to prohibit the banks of this state from issuing bank notes of less denomination than five dollars, and for other purposes ;"

"A bill to locate the university of Michigan ;"

"A resolution relative to instructing the state printer ;"

"A resolution relative to adjournment," with a further amendment made by the House of Representatives to the amendment made by the Senate ; in all of which the concurrence of the Senate is respectfully requested.

I also herewith transmit to the Senate the bill entitled "A bill to provide for the organization and support of primary schools," with sundry amendments made thereto by the Senate, in some of which the House concurred, and in some of which they non-concurred, and that they have appointed a committee of conference on their part, consisting of Messrs. Alden, Bingham and McGaffey, and respectfully ask the appointment of a similar committee on the part of the Senate.

Mr. Britain moved that the bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement," be recommitted to the committee on internal improvements, with instructions so to amend the same as to provide the following appropriations for the construction of the three following routes across the peninsula, to wit :

For the southern route,	\$150,000
For the central route,	400,000
For the northern route,	150,000
For the Havre branch route,	50,000
For the Pontiac branch route,	100,000
And for the survey and construction of the route from Belvidere,	75,000
And for the survey and construction of a canal route from the waters of Saginaw to those of Maple river,	15,000

And to report said bill back to the Senate, to-morrow morning.

Mr. Raynale moved to amend said motion by striking out the instructions, which motion prevailed, the question on striking out the instructions being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Kercheval,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,	Mr. Raynale,	
Mr. Davis,	Mr. McKey,	Mr. Rumsey,	
Mr. Hough,			10

NAYS.

Mr. Barry,	Mr. Clark,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. Summers,	6.

And the question on recommitting to the committee on internal improvements was then decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Ellis,	Mr. Moore,	6
Mr. Davis,	Mr. McDonell,	Mr. Summers,	

NAYS.

Mr. Barry,	Mr. Hough,	Mr. McKey,	
Mr. Britain,	Mr. Kercheval,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,			10

The Senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. McDonell in the chair, on said bill ; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate then adjourned.

Tuesday, March 14, 1837.

The Senate met pursuant to adjournment.

Mr. Davis, presented a petition of inhabitants of Livingston county, relative to highway taxes on non-resident lands. Read and referred to the committee on the judiciary.

Mr. Britain, from the committee on internal improvements, to whom had been committed the bill from the House of Representatives, entitled "A bill authorizing the building of certain dams therein named," reported the same back to the Senate without amendment.

And the bill, on motion of Mr. Comstock, was committed to committee of the whole.

Mr. Britain, from the select committee to whom had been referred a petition of inhabitants of St. Joseph, for authority to contract a loan, brought in a bill entitled "A bill to authorize the president and trustees of St. Joseph to contract a loan;" which bill, having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled, the following bills: "An act to incorporate the village of Tecumseh;" "An act to furnish each organized county with a complete set of weights and measures;" "An act to repeal an act to provide for establishing seats of justice;" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads;'" "An act to lay out a state road from Ypsilanti to Ridgeway;" "An act to provide for the election of justices of the peace in newly organized townships, and for other purposes;" which bills were thereafter this day presented to the Governor for his signature.

Mr. Ellis, from the select committee to whom had been recommended the bill entitled "A bill to incorporate the city of Monroe," reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said several amendments; and the bill was thereupon ordered to be engrossed for third reading.

The President announced a message from the House of Representatives, received through their clerk, in the words following:

MR. PRESIDENT—I am directed by the House of Representatives to inform the Senate that they have non-concurred in the amendment made by the Senate to the bill entitled "A bill to provide for taking the census;" and that they have appointed a committee of conference on their part, consisting of Messrs. McKean,

Kellogg, Burbank, and respectfully ask the appointment of a similar committee on the part of the Senate.

And the Senate, on motion of Mr. Comstock, agreed to the appointment of a committee of conference on their part, on the disagreement between the two houses on said bill; and Messrs. Comstock, Manning and Hough were appointed said committee on the part of the Senate.

The resolution from the House of Representatives, relative to instructing the state printer, having been read a first and second times, was, on motion of Mr. Ellis, laid on the table.

The bill from the House of Representatives, entitled "A bill to locate the university of Michigan," having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to prohibit the banks of this state from issuing bank notes of a less denomination than five dollars, and for other purposes," having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to provide for resignations, vacancies and removals from office," having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on the judiciary.

The bill from the House of Representatives, entitled "A bill to incorporate the Saginaw and Genesee railroad company," having been read a first and second times, was, on motion of Mr. Manning, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to incorporate the Ypsilanti and Manchester railroad company," having been read a first and second times, was, on motion of Mr. Cooper, committed to committee of the whole."

The amendment made by the House of Representatives to the amendment of the Senate to the resolution relative to the adjournment of the legislature, was concurred in by the Senate, being to strike out "thirteenth," and insert "twenty-first."

The bill from the House of Representatives, entitled "A bill to incorporate the Detroit and Shiawassee railroad company," having

been read a first and second times, was, on motion of Mr. Davis, committed to committee of the whole.

The Senate, on motion of Mr. Barry, receded from the several amendments made in the Senate, which were non-concurred in by the House of Representatives, to the bill entitled "A bill to provide for the organization and support of primary schools."

Mr. McKey, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend an act to organize certain townships; and Messrs. McKey, Clark and Summers were appointed a committee to bring in said bill.

Mr. Hough moved a reconsideration of the vote, on concurring in the amendment made by the House of Representatives, to the amendment of the Senate to the resolution relative to the adjournment of the legislature; before the question was taken, Mr. Hough moved to lay the motion on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Cooper,
Mr. Hough,

Mr. McDonell,
Mr. Moore,

Mr. Raynale,

5

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,

Mr. Davis,
Mr. Ellis,
Mr. Kercheval,
Mr. Manning,

Mr. McKey,
Mr. Rumsey,
Mr. Summers,

11

Mr. Hough thereupon withdrew the motion for reconsideration.

Mr. McKey, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to organize certain townships;'" which bill, having been read a first and second times, was, on motion of Mr. Ellis, committed to committee of the whole.

The Senate, on motion of Mr. Raynale, then took up the bill entitled "A bill to vacate the present seat of justice of the county of Shiawassee;" and the question being on the final passage of the bill, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. Cooper,
Mr. Davis,

Mr. Hough,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,

7

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. McKey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	9

The bill from the House of Representatives entitled "A bill to incorporate the Dowagiac hydraulic company," was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,	Mr. McDonell,		14

NAYS.

Mr. Hough,	Mr. Moore,	2
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The Senate, on motion of Mr. Comstock, took up the bill from the House of Representatives, entitled "A bill to provide for the organization and government of the university of Michigan ;" and the Senate, on motion of Mr. Barry, concurred without division, in the several amendments made in committee of the whole, with the exception of the amendment made to section eight.

The question then being put on concurring in the amendment made to section eight, being to strike out, line thirteen, the words "the science of theology," was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,	Mr. Summers,	
Mr. Davis,			13

NAYS.

Mr. Clark,	Mr. McKey,	Mr. Moore,	3
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Mr. Comstock then moved to insert the words "natural theology," and at the suggestion of Mr. Barry, accepted a modification so as to add the words "including the history of all religions ;" a division of the question being called for, and the question being first taken on inserting "natural theology," was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Davis,			7

The question being then put on inserting "including the history of all religions," was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Raynale,	
Mr. Britain,	Mr. Ellis,	Mr. Summers,	
Mr. Cooper,	Mr. Manning,	Mr. President,	9

NAYS.

Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Hough,	Mr. McKey,		8

And the bill was then ordered to third reading ; and on motion of Mr. Comstock, was then read a third time and passed, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Britain,	Mr. Kercheval,	Mr. Raynale,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	
Mr. Davis,			13

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. McKey,	3
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The Senate then again resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill from the House of Representatives, entitled " A bill to provide for the construction of certain works of internal improvement, and for other purposes ;" after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Ellis moved that the committee of the whole be discharged from the further consideration of the bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," which motion did not prevail.

And the Senate then again resolved itself into committee of the whole, Mr. McDonell in the chair, on said bill; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with an amendment, in which they asked the concurrence of the Senate.

Mr. Barry moved to amend the amendment, by striking out, section one, lines four and five, the words, "of the River Raisin and Grand river railroad company;" which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,
Mr. Britain,	Mr. Manning,	Mr. Summers,
Mr. Clark,		

7

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,

9

Mr. Barry then moved to strike out, section four, as follows: "For the survey of a route from Tecumseh in continuation of the road from Monroe to Tecumseh, hereinbefore authorized, westwardly through the southern tier of counties, to New Buffalo, in Berrien county," and insert "for the survey of a railroad from Monroe, on the most direct and eligible route, to New Buffalo," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,
Mr. Britain,	Mr. Manning,	Mr. Summers,
Mr. Clark,		

7

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	9

Mr. Manning then moved to amend the amendment by substituting for the amendment, as follows :

“ Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of commissioners of internal improvements in this state be, and they are hereby authorized and directed, as soon as may be, to cause surveys to be made for four several railroad routes across the peninsula of Michigan ; the first of said routes to commence at Detroit, in the county of Wayne, and to terminate at the mouth of the St. Joseph river, in the county of Berrien, to be denominated the Detroit and St. Joseph railroad ; the second of said routes to commence at the navigable waters of the River Raisin, passing through the village of Monroe, in the county of Monroe, and terminate at New Buffalo, in Berrien county, and to be denominated the southern railroad ; the third of said routes to commence at the city of Detroit, pass through the village of Pontiac, and terminate on Lake Michigan, at the mouth of the Kalamazoo river, and to be denominated the Detroit and Kalamazoo railroad ; the fourth of said routes to commence at some point on the St. Clair river, in the county of St. Clair, and to terminate at the navigable waters of the Grand river, or on Lake Michigan, in the county of Ottawa, to be denominated the northern railroad ; which roads shall be located on the most direct and eligible routes between the termini above mentioned.

“ Sec. 2. As soon as the survey of either of the said routes shall be completed, the said board of commissioners shall at a meeting duly notified and held for that purpose, in one of the counties through which the route to be determined upon shall pass, give all persons who may appear before them an opportunity to be heard relative to the location of the route in question, and the points through which the same shall pass ; and after such hearing, the said commissioners shall proceed to locate and establish the same ; and shall file in the office of the Secretary of State, accurate plans of said surveys and locations ; and the said route

shall be deemed established according to such survey, and the plans so filed as aforesaid ; and the said roads shall be constructed by the state as soon as the welfare of the state will permit, and all appropriations hereafter made for the construction of said roads shall be expended on the several routes in proportion to the population of the counties through which said routes pass : Provided always, That the said board of commissioners shall, so soon as may be, purchase out, adopt and establish so much of the route of the Detroit and St. Joseph railroad company, and so much of the route of the Detroit and Pontiac railroad company, as may have been surveyed and established by said companies, if the same can be purchased on the terms recited in the third section of this act.

“ Sec. 3. If the said board of commissioners shall, in the location of either of the routes in the first section of this act mentioned, deem it expedient to locate the same on the surveyed route of any railroad company duly incorporated, the said board of commissioners shall be, and they are hereby, authorized to contract for and purchase in behalf of the people of this state, all and singular the chartered rights, privileges and franchises of such company in the portion of the route so taken and used, and all the real and personal estate acquired by such company in furtherance of the object expressed and declared in the act of incorporation, so far as the same are obtained for or situate upon the portion of the route so taken by said board ; and whenever the said board of commissioners shall make any purchase, as aforesaid, they shall, at a meeting regularly called, receive and proceed to examine the exhibits of the affairs of such company proposing to sell as above mentioned, which exhibits shall show in detailed accounts the amount paid for labor on the portion of the route in question, the amount and description of real and personal estate, the amount paid for surveys and other incidental charges, the sum paid for damages to lands through which said route passes, with a statement of all outstanding contracts for work, labor and materials, with the amounts due or to become due thereon, which statement and exhibits shall be verified by the oath of affirmation of the president and directors of such company or a majority of them ; and said board of commissioners

are authorized, upon such examination of such statements and exhibits, and upon view of the premises and property therein specified, to adjust and fix upon the amount, including interest on all advances, to be paid to such incorporated company. And upon receiving for and in behalf of the people of the state proper deed or deeds of conveyance of all land, tenements and hereditaments, rights, privileges and interest as aforesaid, together with the personal property above mentioned, and upon due assignments of all contracts, covenants, bonds and agreements of whatsoever kind, for work, labor and materials to be furnished for the route so taken; the auditor of said board of commissioners shall draw his warrant on the treasurer of the state for the amount so found by said board as above specified; and the said commissioners are authorized to assume for and in behalf of the people of this state, the performance of the condition of said contracts, covenants, bonds and agreements, so far as the same remain unperformed on the part of said company at the time of the assignment, and all the rights, privileges, franchises and immunities of the said company in such portion of their route as shall be so taken, shall cease, and all the estate, real and personal, theretofore belonging to such corporation, and so purchased, shall become vested in the people of this state for ever.

"Sec. 4. That the sum of five hundred thousand dollars be, and the same is hereby appropriated, to be taken from any moneys which shall hereafter come into the treasury of the state to the credit of the fund for internal improvement, for the survey and making of the four railroads mentioned in the first section of this act, as follows: for the southern railroad, the sum of fifty thousand dollars; for the Detroit and St. Joseph railroad, three hundred thousand dollars; and for the Detroit and Kalamazoo railroad, the sum of one hundred thousand dollars; and for the northern railroad, the sum of fifty thousand dollars.

"Sec. 5. That the sum of fifteen thousand dollars be, and the same is hereby, appropriated out of any moneys which shall come into the treasury to the credit of said internal improvement fund, to be applied to the survey and construction of a canal to unite the waters of the Saginaw with the navigable waters of the

Grand or Maple rivers, if said board of commissioners, after such survey, shall decide that it is practicable to construct a canal on said route."

The question on said amendment, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Clark,			7

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	9

Mr. Summers then moved to amend the amendment, by inserting, section one, line six, after the word "company," as follows :

"The Utica and Detroit railroad, leading from Detroit to Utica and Romeo, in Macomb county ; from thence, in the direction of Belle river, until it intersects the northern railroad, and St. Clair and Romeo railroad."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,			10

The amendment, on motion of Mr. Comstock, was amended by striking out, section four, line one, the word "twenty," and inserting "forty."

Mr. Manning then moved to amend the amendment, by inserting section one, line six, after "company," as follows :

"Which last route shall be continued from Pontiac to some point on the navigable waters of Grand river."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Clark,
Mr. Ellis,

Mr. Manning,
Mr McDonell,

Mr. McKey,
Mr. Summers,

7

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Hough,
Mr. Kercheval,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,

9

Mr. Ellis moved to amend by inserting, section one, line six, after "company," as follows :

"And of the Niles and Constantine railroad company."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Clark,
Mr. Cooper,

Mr. Ellis,
Mr. McKey,

Mr. Moore,
Mr. Summers,

7

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Raynale,
Mr. Rumsey,

9

Mr. Clark moved to amend the amendment by inserting, section one, as follows :

"The third or northern route to commence at some point on the St. Clair river, as nearly opposite the termination of the 'great western railroad' in Canada, as is practicable, and terminate at the mouth of Grand river, in the county of Ottawa."

Mr. Clark moved a call of the Senate, which being sustained, there were absent, Messrs. Manning, McKey, and on motion of Mr. Clark, the sergeant-at-arms was sent for the absent members.

On motion of Mr. Barry, further proceedings on the call were suspended.

And the question on the amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Ellis,
Mr. Manning,

Mr. McKey,
Mr. Summers,

7

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	9

Mr. Barry moved to amend the amendment by striking out in section four, the provisions for the survey from Tecumseh to New Buffalo, and insert as follows :

"For the survey of a route for a railroad from Havre, on the most direct and eligible route, to New Buffalo."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. McDonell,	Mr. Summers,	
Mr. Clark,			7

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. Manning,	Mr. Rumsey,	9

Mr. Ellis moved to amend the amendment by inserting, section one, line six, as follows : "of the Havre branch railroad company;" the question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. McDonell,	Mr. Summers,	
Mr. Clark,			7

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. Manning,	Mr. Rumsey,	9

Mr. McDonell moved a reconsideration of the vote last taken, which motion prevailed.

And the question on inserting as above, was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	9

NAYS.

Mr. Comstock,
Mr. Davis,
Mr. Hough,

Mr. Kercheval,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,

7

Mr. Ellis moved to amend the amendment by inserting, section one, line six, as follows : "and of the Detroit and Maumee railroad company;" the question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Clark,

Mr. Ellis,

Mr. Summers,

4

NAYS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,
Mr. Raynale,
Mr. Rumsey,

12

The amendment reported by the committee of the whole, as amended, was then adopted, by yeas and nays, as follows :

YEAS.

Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. McDonell,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,

9

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Ellis,
Mr. Manning,

Mr. McKey,
Mr. Summers,

7

Mr. Ellis moved a reconsideration of the vote on adopting the amendment made in committee of the whole, which motion prevailed.

And on motion of Mr. McDonell, the vote on inserting, section one, line six, the words "of the Niles and Constantine railroad company," was also reconsidered ; and the motion so to insert prevailed.

Mr. McDonell then moved to amend the amendment reported by the committee of the whole, by adding to section two, as follows :

"That the sum of fifty thousand dollars be, and is hereby, appropriated to the canal from Detroit through the valley of the Clinton river, if on survey the route be found practicable."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Raynale,	Mr. Summers,	
Mr. McDonell,			4

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	12

On motion of Mr. Barry, the amendment was amended by adding to section two, as follows : "and for the Constantine and Niles railroad, and the Havre branch railroad, each twenty thousand dollars ;" the question on so amending being decided by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,	
Mr. Britain,	Mr. McKey,	Mr. Rumsey,	
Mr. Ellis,	Mr. Moore,	Mr. Summers,	9

NAYS.

Mr. Clark,	Mr. Davis,	Mr. Manning,	
Mr. Comstock,	Mr. Kercheval,	Mr. McDonell,	
Mr. Cooper,			7

On motion of Mr. Hough, the amendment was amended by striking out, section two, line one, the word "twenty," and inserting "sixty."

The amendment, on motion of Mr. Ellis, was then amended by adding an additional section, in the words following :

"Sec . The board of internal improvements are hereby authorized and required, upon the purchase of the railroads here-in designated, to make such alterations in the location of said roads, where the same are not already constructed, and where no intermediate points are mentioned in this act, as the public interest may require."

The question on the adoption of said amendment, was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,
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Mr. Britain,	Mr. Manning,	Mr. Rumsey,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	
Mr. Comstock,	Mr. McKey,		11

NAYS.

Mr. Cooper,	Mr. Hough,	Mr. Moore,	
Mr. Davis,	Mr. Kercheval,		5

And the amendment, as amended, was thereupon adopted by the Senate.

And the bill was thereupon ordered to a third reading, and the amendment to be engrossed, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Clark,			7

And the Senate then adjourned.

Wednesday, March 15, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. Raynale.

On motion of Mr. Rumsey, leave of absence was granted to Mr. Raynale during his illness.

Mr. Comstock presented the petition of the heirs of James Henry, praying for an act to enable the judge of probate to sell certain lands for the benefit of said heirs, and their legal representatives. Read and referred to a select committee of three, and Messrs. Comstock, Cooper and Davis were appointed said committee.

Mr. Barry from the committee on enrolment, reported as correctly enrolled, bills of the following titles, viz : " An act to repeal the ninth section of an act to prescribe the tenure of office of auctioneers and levy a duty upon sales at auction in certain cases, approved April 23, 1833," and " An act to amend an act entitled 'An act to incorporate the trustees of Spring Arbor seminary,' approved March 23, 1835."

The President announced messages from the House of Representatives, received through their clerk, as follows :

Mr. PRESIDENT—I herewith transmit to the Senate a bill which has passed the House of Representatives, entitled “A bill regulating the proceedings against corporations in equity,” in which they respectfully ask the concurrence of the Senate.

I also herewith return, from whence it originated, the bill entitled “A bill to amend an act entitled ‘An act to incorporate the trustees of Spring Arbor seminary,’ ” without amendment ;

“A bill to repeal the ninth section of an act to prescribe the tenure of office of auctioneers, and levy a duty upon sales at auction in certain cases,” without amendment ;

“A bill relative to the duties of sheriffs and jailers, in certain cases,” with an amendment thereto, in which they respectfully ask the concurrence of the Senate.

Mr. PRESIDENT—I herewith transmit to the Senate the following bill, which has passed the House of Representatives, entitled “A bill to authorize the dividing of certain lands,” in which they respectfully ask the concurrence of the Senate.

Mr. PRESIDENT—I herewith transmit to the Senate a bill which has passed the House of Representatives, entitled “A bill to amend an act appointing commissioners to lay out and establish certain state roads,” approved July 26, 1836.

The amendment made by the House of Representatives to the bill entitled “A bill relative to the duties of sheriffs and jailers, in certain cases,” was non-concurred in by the Senate.

The bill from the House of Representatives, entitled “A bill regulating proceedings against corporations in equity,” having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on the judiciary.

The bill from the House of Representatives, entitled “A bill to authorize the draining of certain lands,” having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

The bill from the House of Representatives, entitled “A bill to amend an act appointing commissioners to lay out and establish certain state roads, approved July 26th, 1836,” was read a first

and second times ; and the rule, on motion of Mr. Barry, having been suspended, was then read a third time and passed.

Mr. Hough moved that the vote taken yesterday on concurring in the amendment made by the House to the amendment of the Senate to the resolution relative to the adjournment, be reconsidered ; whereupon Mr. Clark moved a call of the Senate, which being sustained, there was absent Mr. Summers ; absent on leave, Mr. Raynale.

On motion of Mr. Barry, the sergeant-at-arms was sent for the member not absent on leave.

The question on reconsideration was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	6

The resolution, on motion of Mr. Hough, was thereupon laid on the table, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	6

Mr. Moore submitted a resolution in the words following :

Resolved, That the several committees do report on to-morrow, and no further report to be made after that time at this session.

The resolution, on motion of Mr. Ellis, was laid on the table.

Mr. Barry submitted a resolution in the words following :

Resolved, That the secretary of the Senate inform the Executive that the two houses have disagreed in relation to the time of

adjournment, to the end that he may exercise his constitutional prerogative in proroguing the legislature.

Mr. Ellis moved to lay the resolution on the table, which motion did not prevail.

And the question on the adoption of the resolution was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	
Mr. Clark,	Mr. McKey,		5

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Manning,	
Mr. Comstock,	Mr. Hough,	Mr. McDonell,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

Mr. McKey, from the committee on towns and counties, brought in a bill entitled " A bill to increase the compensation of the supervisors of the several townships of this state ;" which bill, having been read a first and second times, was, on motion of Mr. Hough, committed to committee of the whole.

The engrossed bill entitled " A bill to incorporate the city of Monroe," having been read a third time, was passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. McKey,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Davis,	Mr. Manning,	Mr. Summers,	12

NAYS.

Mr. Comstock,	1
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The bill from the House of Representatives, entitled " A bill to provide for the construction of certain works of internal improvement, and for other purposes," with the amendment made in Senate, having been read a third time, and the question being on the final passage of the bill, the Chair decided that the passage of the bill would require the suspension of the eighth joint rule.

Said rule, on motion of Mr. Davis, was suspended on the part of the Senate.

And the bill, on motion of Mr. Ellis, was thereupon laid on the table.

The Senate then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill from the House of Representatives, entitled "A bill to authorize the draining of certain lands;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with an amendment.

And the bill, on motion of Mr. Britain, was committed to the committee on the judiciary.

The Senate then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill to organize the militia;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I am directed by the House of Representatives to inform the Senate that they have concurred in the motion made by the Senate, for the suspension of the eighth joint rule.

The Senate, on motion of Mr. Ellis, then took up the bill from the House of Representatives, this day laid on the table, for its final passage.

And the question on the final passage of the bill, was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,
Mr. Davis,	Mr. McDonell,	

8

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,
Mr. Britain,	Mr. Manning,	Mr. Summers,
Mr. Clark,		

7

Mr. Manning moved a reconsideration of the vote on the final passage of said bill, which motion was decided in the negative, by yeas and nays, as follows.

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,
Mr. Britain,	Mr. Manning,	Mr. Summers,
Mr. Clark,		

7

NAYS.

Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Hough,
Mr. McDonell,

Mr. Moore,
Mr. Rumsey,

7

Mr. Ellis moved to amend the title by substituting as follows :
“ A bill to provide for the advantages of speculators ;” before the question was taken, Mr. Moore moved that the Senate do now adjourn ; which motion did not prevail.

The question on so amending the title, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,

Mr. McKey,

Mr. Summers,

3

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,

Mr. Cooper,
Mr. Davis,
Mr. Hough,
Mr. Kercheval,

Mr. Manning,
Mr. McDonell,
Mr. Moore,
Mr. Rumsey,

12

And the Senate, on motion of Mr. Manning, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Barry, from the committee on enrolled bills, reported as correctly enrolled the following bill : “ An act appointing commissioners to lay out and establish certain state roads,” which bill, together with the two bills this day previously reported by the committee on enrolled bills, were presented to the Governor for his signature.

The Senate, on motion of Mr. McDonell, resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled “ A bill for the relief of Martin Kundig ;” and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

And the bill was then ordered to third reading ; and on motion of Mr. Comstock, was then read a third time and passed.

The Senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. Moore in the chair, on the bill from the House of Representatives entitled “ A bill to provide for the disposition of the university and primary schools lands, and for other purposes ;” and after some time spent thereon, the com-

mittee rose, and through their chairman, reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the several amendments made in committee of the whole, except that to section nineteen.

The question then being on concurring in the amendment to section nineteen, to strike out "fifteen hundred," and insert "two thousand," was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,
Mr. Comstock,

Mr. Cooper,
Mr. Hough,

Mr. McKey,

5

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Davis,

Mr. Manning,
Mr. McDonell,
Mr. Moore,

Mr. Rumsey,
Mr. Summers,

8

Mr. Britain then moved further to amend the bill by striking out section six, and inserting in lieu thereof, as follows :

"Sec. 6. None of the university lands shall be sold at a lower minimum price than twenty dollars per acre, except those having improvements upon them at the time of their location for university purposes ; and none of those having improvements upon them at the time of their location as aforesaid, and none of the primary school lands, shall be sold at a less minimum price than eight dollars per acre."

While the question was pending, Mr. Britain moved a call of the Senate, which being sustained, there were absent Messrs. Comstock, Ellis, Kercheval ; absent on leave, Mr. Raynale.

On motion of Mr. Britain, the sergeant-at-arms was sent for Mr. Comstock.

Mr. McKey moved to amend by striking out, section nineteen, "out of any moneys in the treasury, not otherwise appropriated," and inserting "out of moneys arising from the sales of the university and school lands ;" which motion did not prevail.

The question then being put on the amendment above offered by Mr. Britain, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Britain,	Mr. Comstock,	8
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NAYS.

Mr. Clark,	Mr. Manning,	Mr. Moore,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,	Mr. McKey,	Mr. Summers,	
Mr. Hough,			10

Mr. Britain then moved to amend the bill by inserting as an additional section, to stand as the eighth section, as follows :

"Sec. 8. No lands having improvements upon them at the time of their location for the university, shall be sold until the improvements have been appraised by three disinterested persons from an adjoining county, to be selected by the sheriff of said county, at the request of the Superintendent, and the amount at which the improvement upon any parcel of said lands shall be appraised, shall be deducted from the purchase price: Provided, The same shall be purchased by the settler or owner of such improvement ; but if said parcel of land shall be purchased by a person other than the settler or owner, then the amount at which said improvements shall be appraised, shall be required in cash from the purchaser, in addition to the one-fourth part to be paid at the time of purchase, and the same shall immediately after the sale be paid to said settler or owner, which amount so paid for improvements, shall be deducted from the purchase price: Provided, That the amount at which the Carey mission improvements were appraised at the time they were purchased by the government, shall be deducted by said appraisers in proper proportions from the amounts appraised, to the several owners or settlers claiming the same."

The question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. McDonell,	4
Mr. Britain,			

NAYS.

Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McKey,	Mr. Summers,	9

Mr. Barry moved to amend the bill by inserting as an additional section, as follows :

"Sec. . The Superintendent may lease for a time not exceeding three years, any university or primary school lands, on such terms as may seem to him expedient."

While the question was pending,

The Senate, on motion of Mr. Rumsey, adjourned.

Thursday, March 16, 1836.

The Senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Raynale.

Mr. Britain presented the petition of inhabitants of Niles for authority to contract a loan. Referred to committee of the whole, when on the bill from the House of Representatives, to authorize the president and trustees of the village of Niles to contract a certain loan.

Mr. Summers, from the committee on claims, to whom had been committed the bill from the House of Representatives, entitled "A bill to discharge the demands for supporting the supremacy of the laws," reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments, and the bill was committed to committee of the whole.

Mr. Comstock, from the select committee appointed for that purpose, brought in a bill entitled "A bill to authorize the sale of certain lands ;" which bill, having been read a first and second times, was, on motion of Mr. Davis, committed to committee of the whole.

The President announced messages from the Executive, received through the Secretary of State, in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, an act entitled "An act to organize and regulate banking associations."

STEVENS T. MASON.

March 15, 1837.

To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

"An act to amend an act entitled 'An act to vacate the present seat of justice of the county of Berrien, and to establish the same at the village of Berrien, in said county ;'" "An act relative to the seat of justice of Branch county ;" "An act to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved July 26, 1836 ;" "An act to provide for the election of justices of the peace in newly organized townships, and for other purposes ;" "An act to furnish each organized county with a complete set of weights and measures ;" "An act to incorporate the village of Tecumseh ;" "An act to lay out a state road from Ypsilanti to Ridgeway."

STEVENS T. MASON.

March 14, 1837.

The President announced a message from House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate the following bills, which have passed the House of Representatives : "A bill authorizing the president and trustees of the village of Niles to loan a certain sum of money therein named ;" "A bill to attach a certain township in the county of Livingston, for township government, to the township of Hartland," in which they respectfully ask the concurrence of the Senate.

The bill from the House of Representatives, entitled "A bill authorizing the president and trustees of the village of Niles to loan a certain sum of money therein named," having been read a first and second times, was ordered to third reading ; and the necessary rule, on motion of Mr. Barry, having been suspended, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Ellis,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Rumsey,
Mr. Summers,

14

NAYS.

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The bill from the House of Representatives, entitled "A bill to attach a certain township in the county of Livingston, for township government, to the township of Hartland," was read a first and second times, and the necessary rule, on motion of Mr. Barry, having been suspended, the bill was then read a third time and passed.

Mr. Ellis presented the claim of H. N. Baldwin, for services in supporting the supremacy of the laws ; on motion of Mr. Barry, referred to the committee on claims.

The Senate, on motion of Mr. Hough, took up the amendment made by the House of Representatives to the amendment of the Senate, to the resolution relative to adjournment and the Senate thereupon concurred in said amendment.

The President presented a communication from the city clerk of Detroit, transmitting a resolution of the common council of said city. Read, and on motion of Mr. McDonell, laid on the table.

The unfinished business of the day being in order, being the consideration of the bill from the House of Representatives, entitled "A bill to provide for the disposition of the university and primary school lands, and for other purposes ;" and the question being on the amendment pending when the Senate yesterday adjourned, the amendment, having been modified by Mr. Barry, was adopted, as follows :

"Sec. . The Superintendent of Public Instruction may lease, for a term of years not exceeding three years, any university or primary school lands which may not have been sold and which are already improved, or natural meadows, on such terms as may seem to him expedient."

Mr. Britain then moved to amend by inserting as section eight, as follows :

"Sec. 8. None of the said university lands, having improvements upon them at the time of their location, shall be sold or leased, until some provision be made by law for investigating the claims of the settlers of such, or owners thereof."

Mr. Ellis moved to amend said amendment, by striking out all

after "sold," and inserting "or leased, until further action of the legislature," which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Moore,
Mr. Britain,	Mr. McDonell,	Mr. Summers,
Mr. Comstock,		

7

NAYS.

Mr. Clark,	Mr. Hough,	Mr. McKey,
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,
Mr. Davis,	Mr. Manning,	

8

And the original amendment was then adopted, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,
Mr. Britain,	Mr. Hough,	Mr. Summers,
Mr. Comstock,		

7

NAYS.

Mr. Cooper,	Mr. Manning,	Mr. Moore,
Mr. Davis,	Mr. McKey,	Mr. Rumsey,

6

Mr. Davis moved a call of the Senate, which being sustained, there were absent Messrs. Clark and Kercheval. On motion of Mr. Davis, the sergeant-at-arms was sent for Mr. Clark.

On motion of Mr. Hough, the vote on the adoption of the last amendment was reconsidered.

And the question recurring on the amendment, Mr. Barry moved to amend the amendment by adding thereto as follows :

"The Superintendent shall report to the next legislature a list of persons having claims for improvements as aforesaid, and the amount so claimed by each, and also to give his opinion of the merits of each claim."

The question on the amendment to the amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. McDonell,
Mr. Britain,	Mr. Ellis,	Mr. Summers,

6

NAYS.

Mr. Clark,	Mr. Hough,	Mr. McKey,
Mr. Cooper,	Mr. Kercheval,	Mr. Moore,
Mr. Davis,	Mr. Manning,	Mr. Rumsey,

9

And the question on the amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Summers,	6

NAYS.

Mr. Clark,	Mr. Hough,	Mr. McKey,	
Mr. Cooper,	Mr. Kercheval,	Mr. Moore,	
Mr. Davis,	Mr. Manning,	Mr. Rumsey,	9

And the bill was then ordered to third reading ; and on motion of Mr. Barry, was then read a third time and passed.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith return to the Senate the bill entitled “ A bill to provide for the construction of certain works of internal improvement, and for other purposes,” with the amendment made thereto by the Senate, in which the House have non-concurred.

Mr. Britain moved that the Senate appoint a committee of conference on their part, on the disagreement between the two houses on said bill. Before the question was taken, the bill, on motion of Mr. Davis, was laid on the table, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Davis,	Mr. McDonell,		8

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Clark,			7

The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Kercheval in the chair, on the “ Report of the select committee on so much of the Governor’s message as relates to the River Raisin and Lake Erie railroad company,” and the bill entitled “ A bill to amend an act entitled ‘ An act to incorporate the River Raisin and Lake Erie railroad company ; ’ ” and after some time spent thereon, the committee rose, and through their chairman reported the bill and report back

to the Senate, with an amendment to the resolution accompanying the report.

Mr. Ellis moved that the bill and report be committed to a select committee of five, one from each senatorial district; which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. McDonell,	Mr. Rumsey,	6

NAYS.

Mr. Comstock,	Mr. Kercheval,	Mr. Moore,	
Mr. Davis,	Mr. Manning,	Mr. President,	
Mr. Hough,			7

Mr. Ellis moved a call of the Senate, which being sustained, there were absent, Messrs. Clark and Summers; and on motion of Mr. Ellis, the sergeant-at-arms was sent for said absent members.

Mr. Ellis moved that the bill and report be laid on the table, which motion did not prevail.

The amendment made in committee of the whole to the resolution accompanying the report, was then concurred in by the Senate.

The question being then put on the adoption of the resolution, in the words following:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Attorney General of the state be and he is hereby, directed to institute legal proceedings against the River Raisin and Lake Erie railroad company, to prevent said company's issuing notes in violation of the law restraining unincorporated banking associations.

Mr. McDonell moved to amend the resolution by adding thereto, as follows: "unless the said company shall discontinue banking operations on or before the first day of July next."

Mr. Britain moved that the Senate adjourn, which motion did not prevail.

And the question on the amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,	Mr. McDonell,	Mr. McKey,	3
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NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Kercheval,		11

The question then recurring on the adoption of the resolution, Mr. Britain moved that the Senate adjourn, which motion prevailed, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,		11

NAYS.

Mr. Davis,	Mr. Hough,	Mr. McDonell,	3
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And the Senate then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate took up the question on the adoption of the resolution accompanying the report of the select committee on so much of the Governor's message as relates to the River Raisin and Lake Erie railroad company.

Mr. Ellis moved to amend by adding to the resolution the following proviso :

" Provided, That nothing herein contained shall be construed to authorize or require the Attorney General to institute any proceedings against such corporation, which shall tend to interrupt said company in the legitimate exercise of its powers in the construction of a railroad through a portion of the counties of Monroe and Lenawee."

Mr. Britain moved that the bill and report be recommitted to the committee on state affairs ; before the question was taken, Mr. Ellis moved a call of the Senate, which being sustained, there were absent, Messrs. Clark and McDonell ; and on motion

of Mr. Ellis, the sergeant-at-arms was sent for the absent members.

The question on recommitting was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. Summers,	
Mr. Clark,	Mr. McKey,		5

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		8

The question then recurring on the amendment to the resolution, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Summers,	
Mr. Ellis,	Mr. McKey,		5

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Clark,	Mr. Davis,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	9

The question on the adoption of the resolution, was then decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Manning,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			10

NAYS.

Mr. Britain,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,	Mr. McKey,		5

Mr. Ellis moved that the bill entitled " A bill to amend an act entitled ' An act to incorporate the River Raisin and Lake Erie railroad company,' " be recommitteed to the committee of the whole, which motion did not prevail.

And the bill, on motion of Mr. Ellis, was laid on the table.

The Senate, on motion of Mr. Britain, then resolved itself into committee of the whole, Mr. Hough in the chair, on the bill entitled " A bill to authorize the president and trustees of St. Jo-

aph to contract a loan;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, without amendment.

And the bill, on motion of Mr. Britain, was then ordered to third reading; and was thereupon read a third time and passed, two-thirds voting in the affirmative.

Mr. Britain gave notice that, on a future day, he should ask leave to bring in a bill to incorporate the city of St. Joseph.

The Senate, on motion of Mr. Davis, then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill entitled "A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timbered road company," with an amendment proposed by the committee on internal improvement; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with an amendment.

And the Senate thereupon concurred in said amendment.

And the bill was ordered to be engrossed for third reading.

The Senate, on motion of Mr. Moore, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill entitled "A bill to provide for solemnizing marriages;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

And the Senate, on motion of Mr. McKey, then adjourned.

Friday, March 17, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent on leave, Mr. Raynale.

Mr. McDonell presented certain claims against the present session of the legislature. Referred to the committee on finance.

Mr. Rumsey, from the select committee to whom had been referred certain proceedings of the board of supervisors of the county of Washtenaw, brought in a bill entitled "A bill to authorize the supervisors of the county of Washtenaw to raise a certain sum of money;" which bill was read a first and second times, and ordered to third reading; and the necessary rule, on

motion of Mr. Rumsey, being suspended, the bill was read a third time and passed.

Mr. Davis moved that the Senate appoint a committee of conference on the disagreement between the two houses, on the bill entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes;" and said motion, on motion of Mr. Davis, was laid on the table.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to provide for the renewal of sheriffs' bonds," reported the same back to the Senate without amendment.

And the bill was ordered to third reading, and was thereupon read a third time and passed.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act concerning mortgages,'" reported the same back to the Senate without amendment.

And the bill was ordered to third reading, and was thereupon read a third time and passed.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled the following bill, viz: "An act to authorize and regulate limited partnerships."

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill declaring a part of the St. Joseph and Coldwater rivers public highways," reported the same back to the Senate without amendment, and adverse to the passage of said bill.

And the bill, on motion of Mr. Barry, was laid on the table.

The President announced a message from the House of Representatives, received through their clerk, in the words following:

MR. PRESIDENT—I herewith return to the Senate, from whence it originated, the bill entitled "A bill to organize the counties of Ionia and Van Buren," with an amendment thereto reported by the committee of conference. I also herewith transmit a bill which has passed the House of Representatives, entitled "A bill authorizing the supervisors of any organized counties in this state to loan money for the purpose of erecting county buildings,

and for other purposes," in which bill and amendment the concurrence of the Senate is respectfully requested.

The Senate thereupon concurred in the amendment reported by the committee of conference on the bill entitled "A bill to organize the counties of Ionia and Van Buren."

The bill from the House of Representatives, entitled "A bill authorizing the supervisors of any organized counties in this state to loan money for the purpose of erecting county buildings, and for other purposes," was thereupon read a first and second times.

The bill, on motion of Mr. Clark, was amended by striking out in section one, the words "or special;" on motion of Mr. Ellis, by striking out in section one, the words "taxable inhabitants," and inserting "qualified electors;" and on motion of Mr. Clark, by striking out "eight," and inserting "thirty."

And the bill was then ordered to third reading; and the necessary rule, on motion of Mr. Davis, being suspended, the bill was then read a third time and passed, by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Hough,
Mr. Manning,

Mr. McKey,
Mr. Moore,
Mr. Rumsey,

10

NAYS.

Mr. Barry,
Mr. Ellis,

Mr. Kercheval,
Mr. McDonell,

Mr. Summers,

5

The President also announced messages from the House of Representatives, received through their clerk, in the words following:

MR. PRESIDENT—I herewith transmit to the Senate a bill which has passed the House of Representatives, entitled "A bill to organize certain townships;" in which they respectfully ask the concurrence of the Senate.

MR. PRESIDENT—I am directed by the House of Representatives to inform the Senate that they have insisted on their amendment made to the bill to which the Senate non-concurred, entitled "A bill relative to the duties of sheriffs and jailers, in

certain cases," and that they have appointed a committee of conference on their part, consisting of Messrs. Cornell, Wing and McKeen.

Also, that the House have non-concurred in the amendment made by the Senate to the bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right of keeping and maintaining a ferry across the St. Clair river," and that they have appointed a committee of conference, consisting of Messrs. Heath, Jos. Smith and Felch, and respectfully ask the appointment of a similar committee on the part of the Senate.

I also herewith transmit to the Senate a bill which has passed the House of Representatives, entitled "A bill to amend an act entitled 'An act to incorporate the Michigan and Huron institute,'" in which they respectfully ask the concurrence of the Senate.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to incorporate the Michigan and Huron institute,'" having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to organize certain townships," having been read a first and second times, and amended, on motion of Mr. McKey, by adding an additional section relative to the township of Medina, in Lenawee county; on motion of Mr. Ellis, by adding an additional section relative to the townships of Erie and Bedford, in Monroe county; and on motion of Mr. Comstock, by adding an additional section for organizing a township in the county of Hillsdale, was ordered to third reading.

And the necessary rule, on motion of Mr. Barry, being suspended, the bill was read a third time and passed.

And the title, on motion of Mr. Ellis, was amended by adding thereto the words "and for other purposes."

The Senate, on motion of Mr. McDonell, took up the resolution from the House of Representatives, relative to the appointment of Bank Commissioner, and on motion of Mr. McDonell, said resolution was amended by striking out "thirteenth," and in-

serting "seventeenth," and the resolution, as amended, was thereupon adopted by the Senate.

On motion of Mr. McDonell, the bill from the House of Representatives, entitled "A bill to provide for the election of state officers," with the amendments reported by the committee on elections, was committed to committee of the whole, and made the special order of the day for to-morrow.

The Senate, on motion of Mr. Hough, took up the report of the select committee on imprisonment for debt; and the resolutions appended to said report were thereupon adopted by the Senate, in the words following:

Resolved, That the existing laws, allowing imprisonment for debt, are, in the opinion of the Senate, unjust, impolitic, and inconsistent with the spirit of our free institutions, and ought, therefore, to be repealed.

Resolved by the Senate, (the House of Representatives concurring herein,) That the commissioner who has in charge a revision of the laws of this state, be requested not to embody the principle of imprisonment for debt in the system of collection laws which he may report for the adoption of the legislature; but to provide for the issuing of summary processes for the commencement of suits, and for the execution of judgments, unless the same shall be secured according to law.

The engrossed bill entitled "A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timbered road company," being on third reading, the bill, on motion of Mr. Davis, was laid on the table.

The Senate, on motion of Mr. Ellis, took up the bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes."

Mr. Barry moved a call of the Senate, which being sustained, there were absent, Messrs. Clark, Comstock and McDonell; absent on leave, Mr. Raynale.

On motion of Mr. Barry, the bill was made the special order for this afternoon.

The Senate, on motion of Mr. McKey, then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill

from the House of Representatives, entitled "A bill to incorporate the Adrian and Coldwater turnpike road company," with the amendments reported by the committee on internal improvements; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. McKey, thereupon concurred in the several amendments made in committee of the whole, with the exception of the amendment proposing to add an additional section as section nineteen; and the question on concurring in said amendment, was lost.

And the bill was ordered to third reading; and on motion of Mr. Barry, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. McKey,	Mr. Summers,	
Mr. Cooper,			10

NAYS.

Mr. Clark,	Mr. Kercheval,	Mr. Manning,	
Mr. Ellis,			4

The President announced messages from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit to the Senate a bill which has passed the House of Representatives, entitled "A bill to amend an act entitled 'An act to alter the terms of the circuit courts in the first circuit,'" in which the concurrence of the Senate is respectfully requested; also, am directed to inform the Senate that the House of Representatives have concurred in the amendment made by the Senate to the resolution relative to a nomination of a Bank Commissioner.

Mr. PRESIDENT—I herewith transmit to the Senate, from whence it originated, the bill entitled, "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto," with sundry amendments, in which the concurrence of the Senate is respectfully requested; also, the bill entitled "A bill to

authorize the president and trustees of St. Joseph to contract a loan," without amendment.

A committee from the House of Representatives was announced, who informed the Senate, that the House of Representatives were now ready to receive the Senate in their hall, for the purpose of receiving a nomination from the Executive for Bank Commissioner.

And the Senate, on motion of Mr. Barry, thereupon proceeded to the hall of the House of Representatives.

When the Senate returned to their chamber,

The President announced that the two houses of the legislature, in joint meeting, had unanimously advised and consented to the nomination of Edwin N. Bridges, as Bank Commissioner of the state of Michigan, for the two years next ensuing.

Mr. Comstock, from the committee of conference on the disagreement between the two houses on the bill entitled "A bill to provide for taking the census," reported back the bill from the House of Representatives, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments.

The President announced a message from the Executive, received through the Secretary of State, in the words following:
To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz: "An act appointing commissioners to lay out and establish certain state roads;" "An act to repeal the ninth section of an act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases, approved April 23, 1833;" and "An act to amend an act entitled 'An act to incorporate the trustees of the Spring Arbor Seminary,' approved March 23, 1835."

STEVENS T. MASON.

March 17, 1837.

And the Senate, on motion of Mr. Davis, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Ellis, from the committee on enrolled bills, reported as cor-

rectly enrolled the following bills: "An act to organize the counties of Ionia and Van Buren;" "An act to authorize the president and trustees of the village of St. Joseph, to borrow a certain sum of money."

The special orders of the afternoon being the consideration of the bill from the House of Representatives, entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," and the question being on the appointment of a committee of conference on the disagreement between the two houses on said bill, the motion to appoint a committee of conference was agreed to; and Messrs. Davis, Barry and Moore were appointed said committee.

The Senate, on motion of Mr. Kercheval, took up the amendments made by the House of Representatives to the bill entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto," and the Senate thereupon concurred in several of said amendments, and non-concurred in others of said amendments.

And the bill and amendments, on motion of Mr. Ellis, were laid on the table.

The Senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill from the House of Representatives, entitled "A bill to incorporate the Michigan mutual fire insurance company;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments; and the bill was ordered to third reading.

And the bill, on motion of Mr. Barry, was then read a third time and passed, two-thirds voting in the affirmative.

The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled "A bill to incorporate the Pontiac and Huron canal company;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill was thereupon ordered to third reading.

The Senate, on motion of Mr. Clark, then resolved itself into committee of the whole, Mr. Barry in the chair, on the bill from the House of Representatives, entitled "A bill authorizing the construction of a ship canal around the Falls of St. Marie;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the first of said amendments, being to insert, section one, line two, after the word "engineer," the words "whose duty it shall be," and the fifth amendment, being to insert, section two, line three, the words "and not otherwise appropriated," and non-concurred in the several other amendments.

Mr. Britain moved further to amend by inserting after the word "appropriated," section two, line three, "Provided, The same shall not be paid out of the five per cent. fund," which motion prevailed, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	12

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. Manning,	3
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And the bill was then ordered to third reading, and on motion of Mr. Hough, was laid on the table.

The Senate, on motion of Mr. Davis, then took up the bill entitled "A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timbered road company;" and the bill having been read a third time, and the several blanks in said bill having been filled, Mr. Ellis moved to strike out, section one, line seven, the word "thirty," and insert "twenty," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. McKey,	Mr. Summers,	
Mr. Manning,			4

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			10

And the bill then passed the Senate, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,		11

NAYS.

Mr. Ellis,	Mr. Manning,	Mr. Summers,	3
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The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill entitled "A bill to incorporate the Owasso and Saginaw navigation company," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with an amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendment.

And the bill, on motion of Mr. Hough, was further amended by adding an additional section, in the words following :

"Sec. . The legislature shall have power at any time to alter or amend this act ; but such alteration or amendment shall not divert the property or funds of said company from the purposes herein expressed."

The bill, on motion of Mr. Ellis, was amended by striking out, section three, line nine, the words "state of Michigan."

And the bill was thereupon ordered to third reading ; and on motion of Mr. Comstock, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,			13

NAYS.

Mr. Ellis,

1

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I am directed by the House of Representatives, to inform the Senate, that Messrs. Felch, Monfore and Ward have been appointed a committee of conference on the part of the House on the disagreement to the bill entitled “A bill to provide for the construction of certain works of internal improvement.

Mr. PRESIDENT—I herewith transmit to the Senate, from which it originated, a bill entitled “A bill to incorporate the city of Monroe,” with amendments ; also a joint resolution relative to imprisonment for debt, without amendment ; also transmit the following bills, which have passed the House of Representatives: “A bill to amend an act entitled ‘An act to create a fund for the benefit of certain moneyed incorporations, and for other purposes;’” “A bill to amend an act entitled ‘Act to repeal an act entitled ‘An act to provide for the establishing seats of justice,’” in which bills and amendments the concurrence of the Senate is respectfully requested.

On motion of Mr. Ellis, the bill entitled “A bill to incorporate the city of Monroe,” with the amendments made by the House of Representatives to said bill, was recommitted to the select committee who reported said bill.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill entitled “A bill making appropriations in part, for the year 1837, for the pay of officers and members of the legislature;” and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Ellis, thereupon concurred in the several amendments made in committee of the whole, with the exception of the amendment to section two, line two.

Mr. McKey moved to amend said amendment by inserting “of the Senate,” which motion did not prevail.

And the question on the adoption of the amendment, being to

add to section two, line two, "except assistant secretaries, and enrolling and engrossing clerks, door-keeper and messenger, who shall receive at the rate of three dollars per day," was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. McKey,	Mr. Summers,	2
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	12

And the bill was ordered to be engrossed for a third reading.

The Senate, on motion of Mr. Summers, agreed to the appointment of a committee of conference on the disagreement between the two houses on the bill entitled "A bill to authorize Norman Nash and Nicholas Ayrault to keep and maintain a ferry across the St. Clair river at or near the mouth of Black river," and Messrs. Summers, Britain and Clark were appointed said committee.

Mr Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the purchase of the stock of the Havre branch railroad company, and Messrs. Britain, Ellis and Comstock were appointed a committee to bring in said bill.

Mr. Britain in pursuance of previous notice, asked and obtained leave to bring in a bill to provide for the purchase of the stock of the Detroit and Pontiac railroad company, and Messrs. Britain, Ellis and McDonell were appointed a committee to bring in said bill.

Mr. Britain, in pursuance of previous notice, asked and obtained leave to bring in a bill to incorporate the St. Joseph and Michigan City railroad company: and Messrs. Britain, Ellis and McDonell were appointed a committee to bring in said bill.

And the Senate, on motion of Mr. Rumsey, then adjourned.

Saturday, March 18, 1887.

The Senate met pursuant to adjournment.

The roll being called, there was absent Mr. Hough; absent on leave, Mr. Raynale.

Mr. Kercheval presented sundry remonstrances against the passage of a bill now before the legislature to amend the acts relative to the city of Detroit ; on motion of Mr. Kercheval, laid on the table.

Mr. Britain, from the committee on internal improvement, brought in a bill entitled "A bill to incorporate the Detroit and Ypsilanti timber road company," which bill, having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill making appropriations for the year 1837 ;" which bill, having been read a first and second times, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. Ellis, from the select committee to whom had been recommitting the bill entitled "A bill to incorporate the city of Monroe," with the amendments made thereto by the House of Representatives, reported the same back to the Senate with certain amendments to the amendments of the House, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments made by the House of Representatives, as amended.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the St. Joseph and Michigan City railroad company," which bill, having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

On motion of Mr. Clark, the several railroad bills now on the table, were committed to committee of the whole, being bills entitled as follows : "A bill to incorporate the New Buffalo and Terre Coupee railroad company ;" "A bill to incorporate the Ypsilanti and Tecumseh railroad company ;" "A bill to incorporate the Pontiac and Shiawassee railroad company ;" "A bill to incorporate the Detroit and Lake Huron railroad company ;" "A bill to incorporate the Huron river and New Michigan City railroad company ;" and "A bill to incorporate the Port Sheldon and Grand Rapids railroad company."

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to repeal an act entitled 'An act to

provide for establishing seats of justice," " having been read a first and second times, was, on motion of Mr. Barry, laid on the table.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to create a fund for the benefit of certain moneyed corporations," having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to alter the terms of the circuit courts in the first circuit,'" having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

Mr. Comstock presented the petition of Milton Barney and others, praying for the passage of an act establishing the nuncupative will of Benjamin Hundey. Referred to the committee on the judiciary.

On motion of Mr. McDonell, the Senate agreed to the appointment of a committee of conference on the disagreement between the two houses on the bill entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto;" and Messrs. McDonell, Kercheval and Ellis were appointed said committee on the part of the Senate.

The engrossed bill entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature," being on third reading, Mr. McDonell moved a reconsideration of the vote by which the blank in section one, line one, was filled with "seventeen," which motion prevailed; and the blank was thereupon, on motion of Mr. McDonell, filled with "nineteen;" and the bill was then read a third time and passed.

The bill from the House of Representatives, ordered to third reading, entitled "A bill to incorporate the Pontiac and Huron river canal company," was read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,	
Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Comstock,	Mr. McDonell,	Mr. Summers,	12

NAYS.

Mr. Ellis,

1

Mr. Britain moved a reconsideration of the vote just taken on the final passage of the above bill, which motion did not prevail.

The special orders of the day being then in order, being the bill from the House of Representatives, entitled "A bill to provide for the election of state officers," with an amendment proposed as a substitute for said bill by the committee on elections, the Senate resolved itself into committee of the whole, Mr. Clark in the chair, on said bill and amendment; and after some time spent thereon, the committee rose, and through their chairman reported the bill and amendment back to the Senate, with sundry amendments to the amendment, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the amendments to the amendment; and the amendment as amended, was thereupon adopted by the Senate.

Mr. Summers moved a reconsideration of the vote on the adoption of the amendment as amended, which motion prevailed.

Mr. McKey then moved further to amend the amendment by striking out sections twenty-two and twenty-three, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,
Mr. Cooper,Mr. Manning,
Mr. McKey,

Mr. Summers,

5

NAYS.

Mr. Britain,
Mr. Ellis,Mr. Kercheval,
Mr. McDonell,Mr. Rumsey,
Mr. President,

6

The amendment, on motion of Mr. McKey, was amended by striking out, section fifteen, line six, all after the word "be," and inserting as follows :

"Published in each of the newspapers printed in said county or district, and also to be posted up in three of the most public places in each and every township in said county or district, at least ten days previous to such election."

And the amendment as amended, was thereupon adopted by the Senate.

And the amendment was then ordered to be engrossed, and the bill to a third reading.

And the bill, on motion of Mr. McDonell, was then read a third time and passed.

And the title of the bill, on motion of Mr. McDonell, was amended so as to read, "A bill to regulate general elections."

The Senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. Kercheval in the chair, on the bill from the House of Representatives, entitled "A bill to incorporate the Grand Rapids bridge company;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments; and the bill was ordered to a third reading; and on motion of Mr. Comstock, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,	Mr McDonell,		11

NAYS.

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And the Senate, on motion of Mr. Cooper, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Mr. Manning presented the petition of sundry inhabitants of Oakland county, to have the state prison located at the village of Pontiac. Referred to the committee on state prisons.

Mr. Davis, from the committee of conference on the disagreement between the two houses on the bill entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes," reported a bill to stand as a substitute for said bill.

Mr. Manning moved that said report be laid on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Manning,

1

NAYS.

Mr. Barry,

Mr. Davis,

Mr. McKey,

Mr. Britain,

Mr. Ellis,

Mr. Moore,

Mr. Comstock,

Mr. Kercheval,

Mr. Rumsey,

Mr. Cooper,

Mr. McDonell,

Mr. Summers,

12

On motion of Mr. Rumsey, leave of absence was granted to Mr. Hough, for to-day.

The question on concurring in the amendment reported by the committee of conference, was thereupon decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,

Mr. Davis,

Mr. McKey,

Mr. Britain,

Mr. Ellis,

Mr. Moore,

Mr. Clark,

Mr. Kercheval,

Mr. Rumsey,

Mr. Comstock,

Mr. McDonell,

Mr. Summers,

Mr. Cooper,

13

NAYS.

Mr. Manning,

1

On motion of Mr. Barry, the vote by which the Senate non-concurred in the amendment made by the House of Representatives to the bill entitled "A bill relative to the duties of sheriffs and jailers in certain cases," was reconsidered, and the Senate, on motion of Mr. Barry, thereupon concurred in said amendment.

Mr. Moore, from the committee on incorporations, to whom had been committed the bill entitled "A bill to incorporate the Ladies' orphan association of the city of Detroit," reported the same back to the Senate, without amendment.

And the bill was thereupon ordered to third reading, and on motion of Mr. Comstock, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,

Mr. Davis,

Mr. McKey,

Mr. Britain,

Mr. Ellis,

Mr. Moore,

Mr. Clark,

Mr. Kercheval,

Mr. Rumsey,

Mr. Comstock,

Mr. Manning,

Mr. Summers,

Mr. Cooper,

Mr. McDonell,

14

NAYS.

0

The Senate, on motion of Mr. Barry, then resolved itself into committee of the whole, Mr. Clark in the chair, on the bill from the House of Representatives, entitled "A bill for the regulation of internal improvements, and for the appointment of a board of commissioners," together with the amendments proposed by the committee on internal improvements; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments, except the amendments to section two, and the amendment proposing to add an additional section as section three.

And the amendment to section two, being to strike out "elected by both houses of the legislature, in joint meeting," and insert "approved by the Governor, by and with the advice and consent of the Senate," was also concurred in.

The question was then put on concurring in the amendment to add an additional section as section three, in the words following:

"Sec. 3. The state shall be divided into districts, and the commissioners of the board of internal improvements nominated therefrom, as follows, to wit: so much of the state as lies south of township four south, shall be the first district, and be entitled to two commissioners; so much of the state as lies between the base line and township five south, shall constitute the second district, and be entitled to two commissioners; so much of the state as lies north of the base line, shall constitute the third district, and be entitled to two commissioners."

The question on said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Rumsey,	
Mr. Britain,	Mr. McKey,	Mr. Summers,	6

NAYS.

Mr. Comstock,	Mr. Kercheval,	Mr. McDonell,	
Mr. Cooper,	Mr. Manning,	Mr. Moore,	
Mr. Davis,			7

Mr. Ellis moved further to amend by striking out at the end of section one, as follows: "the Governor of the state being

ex-officio one of that number, and the president of the board ;" which motion was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,

1

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Kercheval,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,
Mr. Rumsey,
Mr. Summers, 12

And the bill was then ordered to third reading ; and on motion of Mr. Ellis, was then read a third time and passed, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Ellis,
Mr. Kercheval,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,
Mr. Rumsey,
Mr. Summers,

13

NAYS.

0

The President announced a message from the Executive, received through the Secretary of State, in the words following :
To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz :

" An act to provide for the organization and government of the university of Michigan ;" " An act to authorize and regulate limited partnerships ;" " An act to incorporate the Dowagiac hydraulic company ;" " An act to organize the counties of Ionia and Van Buren ;" " An act to amend an act entitled ' An act to regulate highways ;' " " An act to authorize the president and trustees of the village of Niles to loan a certain sum of money therein named ;" " An act to provide for the relief of Thomas Snyder ;" " An act to amend an act entitled ' An act to incorporate the village of Niles ;' " " An act to amend an act appointing commissioners to lay out and establish certain state roads," approved July 20th, 1836 ; " An act to organize the county of Shiawassee, and to attach the county of Clinton to the same for

judicial purposes ;" " An act to authorize the president and trustees of the village of St. Joseph to borrow a certain sum of money ;" " An act for the relief of Martin Kundig ;" and " An act to attach a certain township in the county of Livingston, for township government, to the township of Hartland."

STEVENS T. MASON.

March 18, 1837.

Mr. Summers, from the committee of conference on the disagreement between the two houses on the bill entitled "A bill granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river," made a report relative thereto, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said report.

Mr. McDonell, from the committee of conference on the disagreement between the two houses on the bill entitled "A bill to amend an act relative to the city of Detroit, and the several acts amendatory thereto," reported as a substitute for said bill, a bill entitled "A bill to amend the several acts relative to the city of Detroit."

Mr. McKey moved that the report be laid upon the table, which motion did not prevail.

And the amendment proposed by the committee of conference, was thereupon concurred in by the Senate.

And the Senate, on motion of Mr. Moore, then took a recess to seven o'clock, P. M.

EVENING SESSION.

The Senate met pursuant to adjournment.

The Senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. McKey in the chair, on the bill from the House of Representatives, and the Senate bill, each entitled "A bill authorizing the building of certain dams ;" and after some time spent thereon, the committee rose, and through their chairman reported the bill from the House of Representatives back to the Senate, without amendment, and the Senate bill with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. Barry, thereupon concurred in the amendments to the last of said bills.

On motion of Mr. Barry, sections nine, ten, eleven and twelve of said bill were stricken out, and the remaining sections were adopted as amendments to the bill from the House of Representatives, to come in as additional sections to said bill, after section six.

And the bill from the House of Representatives was ordered to third reading; and on motion of Mr. McDonell, was then read a third time and passed.

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit to the Senate the bill entitled “A bill to incorporate the city of Monroe,” with sundry amendments made thereto by the Senate to amendments made by the House, in some of which the House have concurred, and in some non-concurred; also return from whence it originated, the joint resolution entitled “A resolution relative to the River Raisin and Lake Erie railroad company,” with an amendment thereto as a substitute, in which the concurrence of the Senate is respectfully requested. I also am directed to inform the Senate that the House have on their part suspended the tenth joint rule of both branches of the legislature, and that they respectfully ask the suspension of the same on the part of the Senate. I also am directed to inform the Senate that Messrs. Brown, Lothrop and Butler have been appointed a committee of conference on the part of the House of Representatives on the disagreement to the bill entitled “A bill to amend an act relative to the city of Detroit and the several acts amendatory thereto.”

The Senate thereupon took up the amendment of the House of Representatives to the resolution relative to the River Raisin and Lake Erie railroad company, and thereupon concurred in said amendment.

The Senate, on motion of Mr. Clark, then resolved itself into committee of the whole, Mr. Barry in the chair, on the several railroad bills, committed to committee of the whole, being entitled as follows: “A bill to incorporate the Brest and Grand river railroad company;” “A bill to incorporate the Shiawassee and

Grand river railroad company ; " A bill to incorporate the Marshall and Otsego railroad company ;" " A bill to incorporate the St. Joseph and Michigan city railroad company ;" " A bill to incorporate the New Buffalo and Terre Coupee railroad company ;" " A bill to incorporate the Tecumseh and Ypsilanti railroad company ;" " A bill to incorporate the Pontiac and Shiawassee railroad company ;" " A bill to incorporate the Detroit and Lake Huron railroad company ;" " A bill to incorporate the Huron river and New Michigan City railroad company ;" " A bill to incorporate the Port Sheldon and Grand Rapids railroad company ;" " A bill to incorporate the Lake St. Clair and Frederick railroad company ;" and bills from the House of Representatives entitled as follows : " A bill to incorporate the Gibraltar and Clinton railroad company ;" " A bill to incorporate the Saginaw and Genesee railroad company ;" " A bill to incorporate the Ypsilanti and Manchester railroad company ;" and " A bill to incorporate the Detroit and Shiawassee railroad company ;" and after some time spent thereon, the committee rose, and through their chairman reported back to the Senate the bill entitled " A bill to incorporate the Brest and Grand river railroad company," with sundry amendments, in which they asked the concurrence of the Senate, and also reported other bills back to the Senate without amendment.

And the Senate thereupon concurred in the amendments to the first of said bills.

Mr. Barry moved further to amend said bill by adding an additional section, in the words following :

" Sec. . . Said railroad company shall never be entitled to any damages by reason of any similar improvement made by this state, that may render its stock less valuable."

Mr. Ellis moved to amend said amendment by striking out " made by," and inserting " constructed at the expense of;" which motion did not prevail.

The question on the adoption of the amendment was then decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Cooper,

Mr. Davis,
Mr. Ellis,
Mr. Hough,

Mr. Manning,
Mr. Moore,
Mr. Rumsey,

NAYS.

Mr. Kercheval, Mr. McDonell, 2

And said bills, on motion of Mr. Clark, were committed to a select committee of five, with instructions to see that they correspond with the bill entitled "A bill to incorporate the Brest and Grand river railroad company," as now amended; and Messrs. Clark, Moore, McDonell, Ellis and Britain were appointed said committee.

The Senate, on motion of Mr. Davis, then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill from the House of Representatives, entitled "A bill to locate the university of Michigan;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

Mr. Britain moved to amend the bill by striking out section one, and inserting as follows: "That a committee to consist of three persons, shall be appointed to examine the different parts of the state, for the purpose of ascertaining the most advantageous part for the location of the university; and it shall be the duty of said committee to report to the legislature at its next session the several points visited by them in the discharge of their duties, and also the place for said location which they believe would best promote the public interest."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Clark,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. Summers,	6

NAYS.

Mr. Comstock,	Mr. Davis,	Mr. McKey,	
Mr. Cooper,	Mr. Hough,	Mr. Moore,	
Mr. Kercheval,	Mr. McDonell,	Mr. Rumsey,	9

Mr. Britain then moved to amend, by striking out in section one the words "in or near the village of Ann Arbor, in the county of Washtenaw," and inserting as follows:

"Upon the university lands situated on the Kalamazoo river, in Calhoun county."

The question on said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Britain,

Mr. Ellis,

Mr. Summers,

4

NAYS.

Mr. Comstock,
Mr. Cooper,
Mr. Davis,
Mr. Hough,

Mr. Kercheval,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,
Mr. Rumsey,

10

Mr. Ellis then moved to amend, by striking out in section one the word "forty," and inserting "one hundred:" a division being called for, and the question being put on striking out "forty," was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Ellis,
Mr. Manning,

Mr. McKey,
Mr. Summers,

7

NAYS.

Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. McDonell,

Mr. Moore,
Mr. Rumsey,

8

Mr. Barry then moved to amend, by striking out in section one the words "in or near," and inserting "at least one mile from," and by striking out "forty" before "acres," and inserting "eighty," which motion did not prevail.

Mr. McKey moved to amend by striking out "forty" and inserting "eighty;" a division being called for, and the question being put on striking out "forty," was decided in the negative.

And the bill was then ordered to third reading, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Moore,
Mr. Rumsey,

12

NAYS.

Mr. Britain,

Mr. Ellis,

Mr. Summers,

3

And the bill, on motion of Mr. McDonell, was then read a third time and passed, by yeas and nays, as follows:

YEAS.

Mr. Clark,
Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,
Mr. Rumsey,

11

NAYS.

Mr. Barry,
Mr. Britain,

Mr. Ellis,

Mr. Summers,

4

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit to the Senate a bill which has passed the House of Representatives, entitled “A bill to amend an act entitled ‘An act to construct dams and improve the navigation of certain rivers,’ approved March 24th, 1836;”

Also a joint resolution entitled “A resolution to remit the payment of a state tax by the inhabitants of the counties of Chipewewa and Mackinac.”

I also herewith return to the Senate, the bill entitled “A bill for the regulation of internal improvement, and for the appointment of a board of commissioners,” with a further amendment thereto by the House to the amendments by the Senate, in which the concurrence of the Senate is respectfully requested.

The bill from the House of Representatives, entitled “A bill to amend an act entitled ‘An act to construct dams and improve the navigation of certain rivers,’ approved March 24th, 1836,” was thereupon read a first and second times, and ordered to third reading; and the necessary rule, on motion of Mr. Barry, being suspended; the bill was then read a third time and passed.

Mr. Britain, from the select committee appointed for that purpose, brought in a bill entitled “A bill to provide for the purchase of the Detroit and Pontiac railroad,” which bill, having been read a first and second times, was, on motion of Mr. McDonell, committed to the committee on the judiciary.

Mr. Kercheval moved that the Senate do now adjourn, which motion did not prevail.

Mr. Rumsey moved that the Senate now go into executive session. Mr. Comstock moved that the Senate adjourn, which motion was decided in the negative.

The question recurring on the motion to go into executive ses-

sion, prevailed ; and the Senate thereupon went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. Moore, concurred in the resolution from the House of Representatives relative to the suspension of the tenth joint rule.

And the Senate, on motion of Mr. Cooper, then adjourned.

Monday, March 20, 1837.

The Senate met pursuant to adjournment.

Mr. Manning, from the committee on the judiciary, to whom had been committed a bill entitled " A bill to purchase the Detroit and Pontiac railroad," reported the same back to the Senate, with an amendment as a substitute for said bill.

Mr. Barry moved to amend the amendment by adding to section one, as follows :

" And also give up to the state, without consideration, all bonuses that may have been conferred on said company, or any individual or individuals in trust for said company ; and the said commissioners shall require of the president and directors of said company a full statement under oath, of the nature and amount of said bonuses."

The question on the adoption of said amendment was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. McKey,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Davis,	Mr. Manning,	Mr. Summers,	12

NAYS.

Mr. Comstock,	Mr. Cooper,	2
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Mr. Ellis moved to amend the amendment by striking out, in section nine, the word "two" before "years," and inserting "three," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Rumsey,	
Mr. Cooper,	Mr. Hough,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. McKey,	
Mr. Comstock,	Mr. Manning,	Mr. Moore,	9

The amendment, on motion of Mr. Ellis, was amended by adding an additional section in the words following :

“Sec. . So soon as the state shall have made a final arrangement for the purchase of the railroad, it shall be requisite for the president and directors of the Pontiac bank to execute a good and sufficient bond to the people of this state, to the satisfaction of the Auditor General, and to be lodged in the hands of the state Treasurer, which bond shall be renewed from time to time, as the Auditor General may direct, and shall be conditional for the collateral security of the payment of all notes which may or shall be issued by said bank.”

The question on the adoption of said amendment, on motion of Mr. Britain, was reconsidered ; and the question recurring on the adoption of the amendment, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Cooper,	Mr. Hough,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	9

The amendment, on motion of Mr. Comstock, was thereupon amended by adding an additional section, in the words following :

“The president and directors of said bank shall execute a bond, with such security as shall be required by the Auditor General, and deposite the same in the office of the Secretary of State, to secure the payment of its present indebtedness, and the redemption of its paper now in circulation, and which shall be issued previous to the transfer of the railroad charter.”

And the amendment as amended was adopted, as a substitute for the original bill.

And the bill was then ordered to a third reading, and thereupon read a third time and passed, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Ellis,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. McKey,
Mr. Moore,
Mr. Rumsey,

13

NAYS.

Mr. Hough,

Mr. Summers,

2

And the title, on motion Mr. Ellis, was amended by adding thereto the words "and for other purposes."

Mr. Clark, from the select committee to whom had been committed the following bills, viz: "A bill to incorporate the Brest and Grand river railroad company;" "A bill to incorporate the Shiawassee and Grand river railroad company;" "A bill to incorporate the Marshall and Otsego railroad company;" "A bill to incorporate the St. Joseph and Michigan City railroad company;" "A bill to incorporate the New Buffalo and Terre Coupee railroad company;" "A bill to incorporate the Tecumseh and Ypsilanti railroad company;" "A bill to incorporate the Pontiac and Shiawassee railroad company;" "A bill to incorporate the Detroit and Lake Huron railroad company;" "A bill to incorporate the Huron river and New Michigan City railroad company;" "A bill to incorporate the Port Sheldon and Grand Rapids railroad company;" "A bill to incorporate the Lake St. Clair and Frederick railroad company;" and bills from the House of Representatives, entitled as follows: "A bill to incorporate the Gibraltar and Clinton railroad company;" "A bill to incorporate the Saginaw and Genesee railroad company;" "A bill to incorporate the Ypsilanti and Manchester railroad company;" and "A bill to incorporate the Detroit and Shiawassee railroad company;" reported the same back to the Senate, with amendments to said several bills.

The bill entitled "A bill to incorporate the Lake Huron and Detroit railroad company," having been taken up, the amendments proposed to said bill were concurred in, and the bill was ordered to be engrossed for third reading.

The amendments proposed to the bill entitled "A bill to incorporate the Lake St. Clair and Frederick railroad company," having

been concurred in, the bill was ordered to be engrossed for third reading.

The amendments proposed to the bill entitled "A bill to incorporate the Marshall and Otsego railroad company," having been concurred in, the bill was ordered to be engrossed for third reading.

The amendments proposed to the bill entitled "A bill to incorporate the Tecumseh and Ypsilanti railroad company," having been concurred in, the bill was ordered to be engrossed for third reading.

The bill entitled "A bill to incorporate the Brest and Grand river railroad company," having been taken up, was, on motion of Mr. Britain, amended as follows:

Section sixteen, line seven, after "incorporate," insert "subject to be revised and altered by the legislature of this state," also after "shall," strike out "not."

And on motion of Mr. Britain, said bill, together with the bills entitled "A bill to incorporate the St. Joseph and Michigan City railroad company," "A bill to incorporate the New Buffalo and Terre Coupee railroad company," and "A bill to incorporate the Port Sheldon and Grand Rapids railroad company," were committed to a select committee: and Messrs. Britain, Ellis and Barry were appointed said committee.

The bill from the House of Representatives entitled "A bill to incorporate the Gibraltar and Clinton railroad company," having been taken up, the several amendments proposed to said bill, except an amendment as a proviso to section three, were severally concurred in; and the bill, on motion of Mr. Ellis, was committed to a select committee; and Messrs. Ellis, Britain and Hough were appointed said committee.

On motion of Mr. Clark, the votes by which were ordered to be engrossed the bills entitled "A bill to incorporate the Lake Huron and Detroit railroad company;" "A bill to incorporate the Lake St. Clair and Frederick railroad company;" "A bill to incorporate the Marshall and Otsego railroad company;" and "A bill to incorporate the Tecumseh and Ypsilanti railroad company," were reconsidered; and said bills, together with the several other railroad bills now on the table, were committed to the select committee consisting of Messrs. Britain, Ellis and Barry.

The President announced the following messages from the House of Representatives, received through their clerk :

Mr. PRESIDENT—I herewith transmit to the Senate a bill which has passed the House of Representatives, entitled "A bill to incorporate the Detroit and Clinton river canal company," in which the concurrence of the Senate is respectfully requested.

Mr. PRESIDENT—I herewith transmit to the Senate a bill which has passed the House of Representatives, entitled "A bill to provide for the disposal of the surplus revenue," in which they respectfully ask the concurrence of the Senate.

Mr. PRESIDENT—I herewith transmit to the Senate the following bills, which have passed the House of Representatives, entitled "A bill to provide for the salaries of certain officers ;" "A bill to amend an act entitled 'An act concerning deeds and conveyances,' " in which the concurrence of the Senate is respectfully requested.

The bill from the House of Representatives, entitled "A bill to provide for the disposal of the surplus revenue," was thereupon read a first and second times, and on motion of Mr. Hough, committed to committee of the whole.

On motion of Mr. Clark, the vote by which the Senate concurred in the amendment by the House of Representatives to the resolution relative to the River Raisin and Lake Erie railroad company, was reconsidered, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,

Mr. Cooper,
Mr. Ellis,
Mr. Kercheval,

Mr. McDonell,
Mr. McKey,
Mr. Summers,

10

NAYS.

Mr. Hough,
Mr. Manning,

Mr. Moore,

Mr. Rumsey,

4

And the resolution, with the amendment by the House of Representatives, was, on motion of Mr. Clark, laid on the table, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Britain,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	9

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,		5

The President announced a message from the House of Representatives, received through their clerk, in the words following :

MR. PRESIDENT—I am directed by the House of Representatives to inform the Senate that they have reconsidered the vote taken on the final passage of the bill entitled "A bill to incorporate the Detroit and Clinton river canal company;" and that the question on the passage of said bill being lost, they respectfully ask leave to withdraw the same from the further consideration of the Senate.

Said bill, on motion of Mr. Ellis, was laid on the table.

The bill from the House of Representatives, entitled "A bill to provide for the salaries of certain officers," having been read a first and second times, was, on motion of Mr. Hough, committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act concerning deeds and conveyances of land,'" having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

The question then being put on concurring in the amendment made by the House of Representatives to the first amendment of the Senate to the bill entitled "A bill for the regulation of internal improvements, and for the appointment of a board of commissioners," being to strike out in the amendment of the Senate the words "the Senate," and to insert "both houses of the legislature," was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Rumsey,	
Mr. Britain,	Mr. Kercheval,	Mr. Summers,	
Mr. Clark,			7

NAYS.

Mr. Comstock,
Mr. Cooper,
Mr. Davis,

Mr. Ellis,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Moore,

8

The Senate thereupon concurred in the resolution from the House of Representatives, entitled a "A resolution to remit the payment of a state tax by the inhabitants of the counties of Chippewa and Mackinac."

Mr. Clark gave notice that, on a future day, he would ask leave to bring in a bill to incorporate a company to construct a canal from the Shiawassee river opposite the head waters of Maple river, to the Maple river, and from thence to the big bend of the Maple river, in the county of Gratiot.

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I am directed by the House of Representatives to inform the Senate that they have concurred in the report of the committee of conference on the bill entitled "A bill to provide for the construction of certain works of internal improvement, and for other purposes."

I also herewith transmit to the Senate, a bill which has passed the House of Representatives, entitled "A bill to amend an act entitled 'An act to extend Jefferson avenue to the intersection of the present Grosse Point road, on Lake St. Clair,' " in which the concurrence of the Senate is respectfully requested.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to extend Jefferson avenue to the intersection of the present Grosse Point road, on Lake St. Clair,' " having been read a first and second times, the necessary rule, on motion of Mr. Kercheval, being suspended, the bill was read a third time and passed.

The Senate, on motion of Mr. Ellis, insisted on their amendment made to the amendments of the House of Representatives to the bill entitled "A bill to incorporate the city of Monroe."

Mr. Ellis submitted the following joint resolution, which was adopted by the Senate:

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioner appointed to prepare,

digest and arrange a code of laws for the government of the people of this state, be allowed further time to report to this legislature the result of his labors, viz: until the ninth day of November next; that he is hereby authorized to employ one or more competent clerks to aid him in his labors, whose compensation shall be provided for by the future action of the legislature; and that said commissioner be, and he is hereby, further authorized to cause such of the laws as he may digest and prepare, in case he should deem the same expedient, to be printed in the form of bills, in order that the same may be laid upon the tables of the members of both houses, in a printed form, at the commencement of the adjourned session of the legislature, or as soon thereafter as may be.

On motion of Mr. Hough,

Resolved, That the secretary of the Senate be, and he is hereby, directed to prepare the Senate documents of this session for publication, and to superintend the printing of them, and the Senate journal of this session in proper form, and to furnish a copy of each properly bound, to the president of the Senate and each member thereof, at the expense of the state, together with a copy of the laws of this session, to be published under the direction of the Secretary of State.

On motion of Mr. Barry, the resolution relative to the River Raisin and Lake Erie railroad company, was made the special order of the day, for this afternoon.

The President announced a message from the Executive, received through his private secretary, in the words following:

To the Senate and House of Representatives:

I have this day approved and filed in the office of the Secretary of State, the following acts, viz:

“An act to provide for the organization and support of primary schools;”

“An act to locate the university of Michigan;”

“An act to incorporate the village of Pontiac;”

“An act to authorize the supervisors of any organized county in the state to loan money for the purpose of erecting county buildings, and for other purposes;”

"An act amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes ;"

"An act to organize certain townships, and for other purposes ;"

"An act to provide for the renewal of sheriffs' bonds ;"

"An act to amend an act entitled 'An act concerning mortgages ;"

"An act to provide for the construction of certain works of internal improvement, and for other purposes ;" and

"A joint resolution relative to the adjourned session of the legislature."

STEVENS T. MASON.

March 20, 1837.

Mr. Manning submitted the following joint resolution, which, on motion of Mr. Manning, was laid on the table.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of commissioners on internal improvements be, and they are hereby, authorized to expend upon the Detroit and Saginaw turnpike, the sum of dollars, upon the Chicago road, the sum of dollars, and upon the Grand river road, the sum of dollars, upon the territorial road from Detroit to the mouth of St. Joseph river, dollars, which said several sums shall be expended in the construction of such parts of said roads as have not been constructed by the general government: said several sums of money shall be paid out of the five per cent. fund by the Treasurer, on the warrant of the Auditor General, when the same shall have been expended as aforesaid.

On motion of Mr. Manning, the bill entitled "A bill to amend an act entitled 'An act to incorporate the Oakland county bank,'" was committed to committee of the whole.

The Senate, on motion of Mr. Hough, then resolved itself into committee of the whole, Mr. Kercheval in the chair, on the bill from the House of Representatives, entitled "A bill to authorize the Governor to loan a certain sum of money ;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, without amendment.

Mr. Ellis moved to amend the bill by striking out in section one, the word "five" before "millions," and inserting "two ;" whereupon,

Mr. Comstock moved a call of the Senate, which being sustained, there were absent, Messrs. Clark and Davis; and on motion of Mr. McDonell, the sergeant-at-arms was sent for the absent members.

The question recurring on the above amendment, and a division of the question being called for, the question on striking out "five" was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. McKey,	Mr. Rumsey,	
Mr. Hough,	Mr. Moore,	Mr. Summers,	6

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. Manning,	
Mr. Britain,	Mr. Cooper,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,		8

The bill, on motion of Mr. Barry, was amended by striking out in section two, lines seventeen and eighteen, the words "or at some place or places in Europe."

Mr. Moore then moved to strike out all after the enacting clause ; while the question was pending,

The Senate, on motion of Mr. Clark, adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Clark, the vote by which the bill from the House of Representatives, entitled "A bill to incorporate the Detroit and Clinton river canal company," was laid on the table, was reconsidered.

Mr. Clark then moved that the House have leave to withdraw said bill, which motion prevailed.

Mr. Moore withdrew the motion to amend the bill from the House of Representatives, entitled "A bill to authorize the Governor to loan a certain sum of money," by striking out all after the enacting clause ; and the bill, on motion of Mr. Moore, was laid on the table.

Mr. Ellis, from the select committee to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Gibraltar and Clinton railroad company," reported the same back to the Senate, without amendment.

And the bill was thereupon ordered to third reading; and the bill, on motion of Mr. Ellis, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. McKey,	
Mr. Comstock,	Mr. Kercheval,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	12

NAYS.

Mr. Summers,	1
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Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Brest and Grand river railroad company," reported the same back amended in accordance with the instructions given to said committee.

And the bill was thereupon ordered to third reading, and on motion of Mr. Britain, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. McKey,	
Mr. Comstock,	Mr. Kercheval,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	12

NAYS.

Mr. Summers,	1
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Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Lake Huron and Detroit railroad company," reported the same back to the Senate, amended in accordance with instructions.

And the bill was ordered to third reading, and was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. McKey,	
Mr. Comstock,	Mr. Kercheval,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	12

NAYS.

0

Mr. Britain, from the same committee, to whom had been committed the bill entitled "A bill to incorporate the St. Joseph and Michigan City railroad company," reported the same back to the Senate, amended in accordance with instructions.

And the bill was ordered to third reading, and was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		11

NAYS.

Mr. Summers,	1
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Mr. Britain, from the same committee, to whom had been committed the bill entitled "A bill to incorporate the New Buffalo and Terre Coupee railroad company," reported the same back to the Senate, amended in accordance with instructions.

And the bill was ordered to third reading, and was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		11

NAYS.

Mr. Summers,	1
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And the title, on motion of Mr. Britain, was amended by striking out "Terre Coupee," and inserting "Hudson."

The Chair (Mr. Hough,) announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith return to the Senate the bill entitled "A bill to authorize the supervisors of the county of Washenaw to raise a certain sum of money," without amendment ; also, with amendment, a bill entitled "A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timbered road com-

pany;" also, the bill entitled "A bill authorizing the building certain dams therein named," with the amendments thereto by the Senate, in all of which the House have concurred, except the fourteenth section, in which they have non-concurred. I also am directed by the House of Representatives to inform the Senate that Messrs. Bingham, Ward and Lothrop have been appointed a committee of conference on the disagreement of the two houses on the bill entitled "A bill for the regulation of internal improvements and for the appointment of a board of commissioners;" also that Messrs. Wing, Alden and Brown have been appointed a committee of conference on the disagreement of the two houses to the bill entitled "A bill to incorporate the city of Monroe," and that the House respectfully ask the appointment of similar committees on the part of the Senate. I also herewith transmit to the Senate, from whence it originated, the bill entitled "A bill to incorporate the Owasso and Saginaw navigation company," without amendment.

The Senate, on motion of Mr. Ellis, agreed to the appointment of a committee of conference on the disagreement between the two houses on the bill entitled "A bill to incorporate the city of Monroe," and Messrs. Ellis, Kercheval and Comstock were appointed said committee.

On motion of Mr. Moore, the vote by which the Senate non-concurred in the amendments made by the House of Representatives to an amendment of the Senate to the bill entitled "A bill for the regulation of internal improvements, and for the appointment of a board of commissioners," was reconsidered, and the question being put on concurring in said amendment, was decided in the affirmative.

The Senate then took up the bill from the House of Representatives entitled "A bill authorizing the Governor to loan a certain sum of money."

And the bill, on motion of Mr. Britain, was amended by adding an additional section, in the words following:

"Sec. . The proceeds of all railroads and canals constructed by this state, and the interest on all loans which may hereafter be made by the state from the internal improvement fund, and the dividends arising from all bank stock owned, or which may here-

after be owned by the state, so far as the same may be necessary, shall, under the direction of the legislature, constitute a sinking fund for the pay of the principal and interest of the loan hereby authorized."

And the bill was then ordered to third reading, and the bill was read a third time, and the question on the final passage of the bill was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,

Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Rumsey,

7

NAYS.

Mr. Barry,
Mr. Clark,
Mr. Ellis,

Mr. Hough,
Mr. McKey,

Mr. Moore,
Mr. Summers,

7

Mr. Ellis moved a reconsideration of the vote just taken ; which motion, on motion of Mr. Barry, was laid on the table.

The Senate then took up the resolution relative to the River Raisin and Lake Erie railroad company; and the question being on concurring in the amendment made by the House of Representatives to said resolution,

Mr. Ellis moved to amend said amendment by substituting the following :

Resolved by the Senate and House of Representatives of the State of Michigan, That the Attorney General of this state be, and he is hereby, authorized and required to examine the charter of the River Raisin and Lake Erie railroad company without delay ; and if upon such examination, he shall be of the opinion that said company have violated any law of this state, or the act of incorporation creating the same, then and in that case it shall be requisite for said Attorney General to institute legal proceedings against said company by quo warranto or otherwise, as he may deem expedient; and that he be required to report the result of his action in the premises to the legislature at its next session.

The question on the adoption of said amendment, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Clark,

Mr. Ellis,
Mr. McDonell,

Mr. McKey,
Mr. Summers,

6

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		8

Mr. Ellis then moved that the resolution and amendment be laid on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	6

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		8

The question on concurring in the amendment of the House of Representatives was thereupon decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		8

NAYS.

Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	6

The Senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. Ellis in the chair, on the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to incorporate Michigan and Huron institute;'" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill was thereupon ordered to third reading ; and on motion of Mr. Comstock, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. McKey,	
Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	12

NAYS.

Mr. Ellis,

1

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled, the following bills : "An act relative to the duties of sheriffs and jailers in certain cases ;" "A joint resolution relative to imprisonment for debt," and "A resolution relative to the River Raisin and Lake Erie railroad company."

The Senate, on motion of Mr. McKey, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill entitled "A bill to increase the compensation of the supervisors of the several township of this state ;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

And the bill was thereupon ordered to third reading ; and on motion of Mr. McKey, was then read a third time and passed.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the salaries of certain state officers," and the bill entitled "A bill making appropriations for the year 1837 ;" and after some time spent thereon, the committee rose, and through their chairman reported said bills back to the Senate with sundry amendments to said bills, in which they asked the concurrence of the Senate.

And the Senate, on motion of Mr. McKey, took a recess to seven o'clock, P. M.

EVENING SESSION.

The Senate met pursuant to adjournment.

Mr. Clark, in pursuance of previous notice, asked and obtained leave to bring in "A bill to incorporate the Shiawassee and Maple river navigation company," and Messrs. Clark, Moore and Cooper were appointed a committee to bring in said bill.

The Senate thereupon concurred in the several amendments made in committee of the whole, to the bill from the House of Representatives, entitled "A bill to provide for the salaries of certain state officers," the question on concurring in the amendment to section two, line two, to strike out "four," and insert "five," being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,
Mr. Britain,	Mr. Hough,	Mr. McKey,
Mr. Clark,	Mr. Kercheval,	Mr. Moore,
Mr. Comstock,	Mr. Manning,	

11

NAYS.

Mr. Summers,	
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And the bill was thereupon ordered to third reading, and was then read a third time and passed.

The Senate thereupon concurred in the several amendments made in committee of the whole to the bill entitled "A bill making appropriations for the year 1837."

Mr. McKey then moved to amend the bill by striking out in section one, lines fifteen and twenty, as follows, viz :

"To John R. Williams, four hundred dollars, for his compensation [including all expenses,] as one of the agents appointed by the state convention held at Ann Arbor in December, 1836, to convey the decision of said convention to the President of the United States, in relation to the act of Congress of the 15th June, 1836, admitting Michigan into the Union on the terms therein expressed. To Hart L. Stewart, four hundred dollars, the other agent appointed by the same convention to go to Washington for the same object."

The question on said amendment, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. McKey,	Mr. Summers,
Mr. Ellis,		

4

NAYS.

Mr. Britain,	Mr. Hough,	Mr. McDonell,
Mr. Clark,	Mr. Kercheval,	Mr. Moore,
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,
Mr. Cooper,		

10

Mr. Ellis then moved to amend by striking out, section two, lines three and twelve, the words following :

"There shall be paid to John Norton, cashier of the Michigan state bank, a sum not exceeding two thousand four hundred and fifty dollars, with interest, for moneys advanced by said bank for the pay and mileage of officers and members and other incidental expenses appertaining to the state convention assembled at

Ann Arbor, on the 14th December last, for the purpose of considering the provisions of the act of Congress of the 15th of June, 1836, 'providing for the admission of the state of Michigan into the Union on the conditions therein expressed,' as shall appear by the accounts duly certified by the fiscal agent appointed by said convention; which shall be paid out of the unexpended appropriated balance, by the act of the 26th of July, 1836, 'providing for the pay and mileage and other incidental expenses of a convention of delegates to assemble at Ann Arbor.'"

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Ellis,

Mr. McKey,

Mr. Summers,

4

NAYS.

Mr. Britain,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Moore,
Mr. Rumsey,

10

Mr. Ellis then moved to amend by striking out, section three, line twenty-four, the words "three hundred," and inserting "one thousand," a division of the question being called for, and the question being put on striking out "three hundred," was decided in the affirmative. Mr. Clark moved to fill the blank with "twelve hundred;" Mr. Summers moved to fill the blank with "eight hundred;" the question on filling with "twelve hundred," was decided in the negative, and the question on filling with "one thousand," was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Clark,
Mr. Comstock,
Mr. Ellis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Moore,

8

NAYS.

Mr. Barry,
Mr. Britain,

Mr. Cooper,
Mr. McKey,

Mr. Rumsey,
Mr. Summers,

6

The bill, on motion of Mr. Britain, was amended by inserting after "loan," section one, line thirty, as follows: "to Charles A. Morton, for extra clerk hire, sixty dollars."

Mr. Summers then moved to amend the bill by striking out in

section two, lines twelve and thirteen, the words "and five hundred dollars for house rent for the current year," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. McKey,	Mr. Summers,	2
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NAYS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Clark,	Mr. Manning	Mr. Rumsey,	9

On motion of Mr. McKey, the bill was amended so as to read, in section three, lines twenty and twenty-one, as follows : "for the revision of the laws, a sum not exceeding fifteen hundred dollars."

And the bill was then ordered to be engrossed for third reading.

Mr. Clark, from the select committee appointed for that purpose, brought in a bill entitled "A bill to incorporate the Shiawassee and Maple river canal or slack water navigation company ;" which bill, having been read a first and second times, was, on motion of Mr. Clark, committed to the select committee of five appointed last evening.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit for the concurrence of the Senate, the following named bills, which have passed the House :

"A bill to amend an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners ;' " "A bill to amend an act entitled 'An act amendatory to the acts herein recited and to provide for defraying the public and necessary charges for state, county and township purposes.' "

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners,' " having been read a first and second times, was, on motion of Mr. Barry, laid on the table.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act amendatory to the acts herein

recited, and to provide for defraying the public and necessary charges for state, county and township purposes,' " having been read a first and second times, was ordered to third reading.

The President announced messages from the House of Representatives, received through their clerk, in the words following :

MR. PRESIDENT—I herewith transmit to the Senate, from whence it originated, the bill entitled "A bill to incorporate the Ladies' orphan association of the city of Detroit," with sundry amendments ; also a bill entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature," with amendments ; also, the joint resolution, entitled "A resolution relative to the revision of laws, and for other purposes," without amendment ; also, herewith transmit a bill entitled "A bill to amend an act entitled 'An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases,' " in all of which the concurrence of the Senate is respectfully requested.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases,'" was thereupon read a first and second times, and ordered to third reading ; and on motion of Mr. Barry, the rule being suspended, was read a third time and passed.

The Senate, on motion of Mr. Barry, then took up the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors and others,' approved July 25, 1836 ;" and said bill was thereupon ordered to third reading, and on motion of Mr. Barry, was then read a third time and passed.

The Senate, on motion of Mr. Summers, then resolved itself into committee of the whole, Mr. Clark in the chair, on the bills from the House of Representatives, entitled "A bill to discharge the demands for the support of the supremacy of the laws," and "A bill for the relief of Samuel A. Bartlett and others ;" and after some time spent thereon, the committee rose, and through their chairman reported the bills back to the Senate, without amendment.

And the bills, on motion of Mr. Clark, were recommitted to the committee on claims.

The Senate, on motion of Mr. Manning, then resolved itself into committee of the whole, Mr. Rumsey in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the enlargement of the state library;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate without amendment.

And the bill was thereupon ordered to third reading, and on motion of Mr. Comstock, was then read a third time and passed.

The Senate, on motion of Mr. Comstock, then took up and concurred in the amendments made by the House of Representatives to the bill entitled "A bill to incorporate the Ladies' orphan association of the city of Detroit."

The amendments made by the House of Representatives to the bill entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature," having been taken up, the Senate, on motion of Mr. Barry, amended the first amendment of the House of Representatives, by inserting after the word "representatives," as follows: "the door-keeper and messenger of the Senate;" and the Senate non-concurred in the twenty-first amendment made by the House of Representatives to said bill.

On motion of Mr. Barry, the committee of the whole was discharged from the further consideration of the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to alter the terms of the circuit courts in the first circuit;'" and the bill was ordered to third reading.

And the bill, on motion of Mr. Barry, was then read a third time and passed.

The Senate, on motion of Mr. Comstock, then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill to authorize the sale of certain lands;" and after some time spent thereon, the committee rose, and through their chairman reported the same back to the Senate, without amendment.

And the bill was thereupon ordered to third reading; and the bill, on motion of Mr. Comstock, was then read a third time and passed.

The Senate, on motion of Mr. Kercheval, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled "A bill to incorporate the Savings bank of Michigan;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate.

And the bill, on motion of Mr. Clark, was laid on the table, the question being decided in the affirmative, by yeas and nays as follows:

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Moore,	
Mr. Britain,	Mr. Manning,	Mr. Rumsey,	
Mr. Clark,	Mr. McKey,		8

NAYS.

Mr. Ellis,	Mr. McDonell,	Mr. Summers,	
Mr. Kercheval,			4

Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Lake St. Clair and Frederick railroad company," reported the same back with amendments.

And the Senate thereupon concurred in said amendment, and the bill was ordered to third reading; and on motion of Mr. Britain, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. McKey,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Ellis,	Mr. McDonell,	Mr. Summers,	12

NAYS.

0

Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Port Sheldon and Grand Rapids bridge company," reported the same back to the Senate, with amendments.

And the Senate thereupon concurred in said amendments, and the bill was thereupon ordered to third reading; and the bill, on motion of Mr. Comstock, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Kercheval,	Mr. McKey,	
Mr. Clark,	Mr. Manning,	Mr. Moore,	
Mr. Comstock,	Mr. McDonell,	Mr. Rumsey,	
Mr. Hough,			10

NAYS.

Mr. Ellis,	1
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Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Marshall and Otsego railroad company," reported the same back to the Senate, with amendments.

And the Senate thereupon concurred in said amendments, and the bill was thereupon ordered to third reading; and on motion of Mr. Britain, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Ellis,			10

NAYS.

0

Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Pontiac and Shiawassee railroad company," reported the same back with amendments.

And the Senate thereupon concurred in said amendments; and the bill, on motion of Mr. Rumsey, was further amended by striking out in section three, line three, the word "to" before "Shiawassee town," and adding thereafter, as follows: "to the navigable waters of the Maple and Grand rivers," and by adding in section one, as additional commissioners, the names of "Daniel Ball and Robert Le Roy."

And the bill was thereupon ordered to third reading, and on motion of Mr. Ellis, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,			10

NAYS.

Mr. Barry,	Mr. McKey,	Mr. Summers,	
Mr. Ellis,			4

Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Ann Arbor and Saline river railroad company," reported the same back to the Senate with amendments.

And the Senate thereupon concurred in said amendments, and the bill was ordered to third reading; and the bill, on motion of Mr. Hough, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	12

NAYS.

Mr. McKey,	Mr. Summers,		2
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Mr. Britain, from the select committee to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Ypsilanti and Manchester railroad company," reported the same back to the Senate with amendments.

And the Senate thereupon concurred in said amendments, and the bill was ordered to third reading; and on motion of Mr. Hough, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Kercheval,		11

NAYS.

Mr. McKey,	Mr. Summers,		2
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Mr. Britain, from the select committee to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Detroit and Shiawassee railroad company," reported the same back with amendments.

And the Senate thereupon concurred in said amendments, and the bill was ordered to third reading; and on motion of Mr. Britain, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Hough,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,			10

NAYS.

Mr. Barry,	Mr. McKey,	Mr. Summers,	
Mr. Ellis,			4

Mr. Britain, from the select committee to whom had been committed the bill from the House of Representatives, entitled "A bill to incorporate the Saginaw and Genesee railroad company," reported the same back with amendments.

And the Senate thereupon concurred in said amendments, and the bill was ordered to third reading; and on motion of Mr. Ellis, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Hough,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,			10

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	3
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Mr. Britain, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Tecumseh and Ypsilanti railroad company," reported the same back with amendments.

And the Senate thereupon concurred in said amendments, and the bill was ordered to third reading; and on motion of Mr. Comstock, was then read a third time and passed, two-thirds voting in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. McKey,	
Mr. Comstock,	Mr. Kercheval,	Mr. Moore,	12

NAYS.

Mr. Summers,	1
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The President announced a message from the House of Representatives, through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit the following bill which has passed the House, "A bill to authorize the several counties therein named to borrow money for the erection of county buildings." I also herewith return to the Senate "A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes," with an amendment made thereto by the House. I also herewith return to the Senate "A bill to incorporate the city of Monroe," with the amendments reported thereto by the committee of conference, in which the House have concurred, in all of which they respectfully ask the concurrence of the Senate.

The Senate, on motion of Mr. Ellis, thereupon concurred in the amendments reported by the committee of conference, and which had been concurred in by the House of Representatives.

On motion of Mr. Clark, the committee of the whole was discharged from the further consideration of the bill from the House of Representatives, entitled "A bill granting to Thomas Palmer, James McClanan and Daniel Lockwood the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer."

The bill, on motion of Mr. Clark, was amended by striking out in section four, lines twenty-eight to twenty-nine inclusive, and the word "further" in line forty.

And the bill was thereupon ordered to third reading.

The vote by which the bill was ordered to third reading, on motion of Mr. Barry, was reconsidered ; and the question recurring on ordering the bill to a third reading, was decided in the affirmative.

And the bill, on motion of Mr. Clark, was read a third time and passed, the vote on the final passage of the bill being as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. McDonell,	
Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	9

NAYS.

Mr. Ellis,	Mr. Hough,	2
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The Senate, on motion of Mr. Manning, then took up the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners ;' and the bill was thereupon ordered to third reading, and the rule, on motion of Mr. Manning, being suspended, the bill was then read a third time and passed.

On motion of Mr. Clark, the committee of the whole was discharged from the further consideration of the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to create a fund for the benefit of certain moneyed corporations, and for other purposes.'"

And the bill was thereupon ordered to third reading, and on motion of Mr. Ellis, was then read a third time and passed, the vote on the final passage of the bill being as follows :

YEAS.

Mr. Britain,	Mr. Hough,	Mr. McKey,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. McDonell,		11

NAYS.

Mr. Barry,	1
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And the title, on motion of Mr. Ellis, was amended by inserting after the word "benefit" the words "of the creditors."

And the Senate, on motion of Mr. Hough, then adjourned.

Tuesday, March 21, 1837.

The Senate met pursuant to adjournment.

The President presented a communication from C. C. Trowbridge, as recording secretary of the Historical society of

Michigan. Read, and on motion of Mr. Hough, laid on the table and ordered to be printed.

(See Senate Document No. 29.)

Mr. Summers, from the committee on claims, to whom had been committed the bill from the House of Representatives, entitled "A bill to discharge the demands for supporting the supremacy of the laws," reported the same back to the Senate without amendment; and the bill was thereupon ordered to third reading.

Mr. Summers, from the committee on claims, to whom had been committed the bill from the House of Representatives, entitled "A bill for the relief of Samuel A. Bartlett and others," reported the same back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in said amendments; and said bill, as amended, was added as an amendment to the above bill from the House of Representatives, entitled "A bill to discharge the demands for supporting the supremacy of the laws;" and said bill was thereupon read a third time and passed.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled the following bill: "An act to incorporate the Owasso and Saginaw navigation company."

The amendment made by the House of Representatives, to the bill entitled "A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes," having been taken up, was non-concurred in by the Senate.

The Senate, on motion of Mr. Barry, then recessed from the amendment made to the bill entitled "A bill authorizing the building of certain dams therein named," to add an additional section as section fourteen, which amendment had been non-concurred in by the House of Representatives.

The Senate thereupon concurred in the amendment made by the House of Representatives to the bill entitled "A bill to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timbered road company."

The bill from the House of Representatives entitled "A bill to authorize the several counties herein named to loan money for the erection of county buildings," having been read a first and second times, was thereupon ordered to third reading.

And the necessary rule, on motion of Mr. Manning, being suspended, the bill was then read a third time and passed.

The Senate, on motion of Mr. Barry, then took up the bill from the House of Representatives, entitled "A bill authorizing the construction of a ship canal around the Falls of St. Marie;" and the bill, on motion of Mr. Britain, was recommitted to the committee on internal improvements.

The bill from the House of Representatives, yesterday ordered to third reading, entitled "A bill to amend an act entitled 'An act amendatory to the several acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes,'" was read a third time and passed.

The engrossed bill entitled "A bill making appropriations for the year 1837," being on third reading, the bill, on motion of Mr. Hough, was amended by striking out "thirty" and inserting "seventy;" and the bill was then read a third time and passed, the question on the final passage of the bill being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	9

NAYS.

Mr. Ellis,	Mr. McKey,	2
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Mr. Britain, from the committee on internal improvements, to whom had been committed the bill from the House of Representatives, entitled "A bill to authorize the construction of a ship canal around the Falls of St. Marie," reported the same back to the Senate with an amendment, proposing to strike out the amendments previously made by the Senate.

And the Senate thereupon concurred in said amendment ; and the bill then passed the Senate, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Manning,	
Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. McKey,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			13

NAYS.

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Mr. Clark, from the select committee to whom had been committed the bill entitled "A bill to incorporate the Shiawassee and Maple canal and slack water navigation company," reported the same back to the Senate, amended so as to correspond with the bill to incorporate the Owasso and Saginaw navigation company.

Mr. Ellis moved that the bill be laid on the table, which motion did not prevail.

And the amendments were thereupon concurred in by the Senate, and the bill was ordered to third reading; and on motion of Mr. Clark, was then read a third time, and the question being put on the passage of the bill, was decided in the negative, two-thirds not voting in the affirmative, the yeas and nays being as follows:

YEAS.

Mr. Clark,
Mr. Comstock,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,

Mr. Manning,
Mr. McDonell,

7

NAYS.

Mr. Barry,
Mr. Cooper,

Mr. Ellis,

Mr. Rumsey,

4

On motion of Mr. Clark, the vote just taken on the final passage of the above bill, was reconsidered.

Mr. McDonell moved a call of the Senate, which being sustained, there were absent Messrs. Moore and Summers; and on motion of Mr. McDonell, the sergeant-at-arms was sent for the absent members.

The question on the final passage of the bill was then decided in the affirmative, two-thirds voting in favor thereof, by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Moore,
Mr. Summers,

11

NAYS.

Mr. Ellis,

Mr. McKey,

2

Mr. Ellis submitted a joint resolution in the words following:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be, and he is hereby, required to make and prescribe the necessary blank forms of securities to be furnished by banking associations, under the provisions of an act entitled "An act to organize and regulate banking associations;" and to forward, without delay, a suitable number of copies thereof, in a printed form, to the clerks and treasurers of the several counties of this state, to be by them used for the purposes hereby intended.

The question on the adoption of the resolution was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,	Mr. Summers,	
Mr. Davis,	Mr. McDonell,		14

NAYS.

0

Mr. McKey submitted a resolution in the words following, and moved its adoption, which motion did not prevail:

Resolved, That the committee on finance is hereby instructed to furnish the state printer, for publication, all the accounts in the appropriation bills passed during the present session, which accounts shall be in items, specifying the names, numbers, qualities and prices of all and every of said articles, which shall be so published by said printer.

Mr. Kercheval asked the unanimous consent of the Senate, to make the following amendment in a bill which had passed both houses, entitled "An act to extend Fort street, in the city of Detroit, to the intersection of the road leading from the Detroit river to Dearbornville;" objection being made,

Mr. McDonell moved a suspension of the rule relating to motions for reconsideration, which motion prevailed; and on motion of Mr. Comstock, the vote on the passage of the above bill was reconsidered.

And the bill, on motion of Mr. McDonell, was recommitted to

a select committee, with instructions to strike out "township of Springwells," at the close of sections one and two, and insert in lieu thereof "county of Wayne;" a motion by Mr. Ellis to amend the instructions by inserting "city of Detroit," having been lost, and Messrs. McDonell, Kercheval and Hough were appointed the select committee to whom the bill was recommitted.

On motion of Mr. Ellis,

Resolved, That the executive journal of the present and preceding sessions of the Senate be prepared by the secretary; and that the same be appended to, and published with, the journal of the present session.

The Senate, on motion of Mr. Comstock, took up the motion laid on the table, for a reconsideration of the vote on the final passage of the bill from the House of Representatives, entitled "A bill to authorize the Governor to loan a certain sum of money;" and the question on reconsideration thereupon prevailed.

And the question recurring on the passage of the bill, was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,
Mr. Britain,	Mr. Davis,	Mr. McKey,
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,
Mr. Comstock,	Mr. Manning,	

11

NAYS.

Mr. Ellis,	Mr. Moore,	Mr. Summers,
Mr. Hough,		

4

Mr. McDonell, from the select committee to whom had been committed the bill entitled "A bill to extend Fort street, in the city of Detroit, to the intersection of the road leading from the Detroit river to Dearbornville," reported the same with amendments, in accordance with the instructions given to said committee.

And said amendments were concurred in, and the bill then again passed the Senate.

The Senate, on motion of Mr. Ellis, then resolved itself into committee of the whole, Mr. Davis in the chair, on the bill from the House of Representatives, entitled "A bill to provide for the disposition of the surplus revenue;" and after some time spent thereon, the committee rose, and through their chairman reported

the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

The Senate thereupon concurred in the first amendment made in committee of the whole; and the question on concurring in the second amendment, being to add after the word "bank," section two, line six, as follows, "and the several solvent banks of this state, in equal proportions according to the amount of capital stock actually paid in and possessed by such banks respectively, to be approved of by the Auditor General," was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. McKey,		8

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,			7

The Senate thereupon non-concurred in the third amendment made in committee of the whole, and concurred in the fourth amendment, to add an additional section, as section three.

On motion of Mr. Britain, the amendment to section two was amended by inserting after the word "state," the words "not exceeding one bank in any one county."

And the bill was then ordered to third reading, and on motion of Mr. Ellis, was then read a third time and passed, the yeas and nays on the final passage of the bill being as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,	Mr. Summers,	15

NAYS.

0

And the title, on motion of Mr. Barry, was amended by adding thereto, "and for other purposes."

And the Senate, on motion of Mr. Barry, then adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

In the absence of the President, Mr. Britain was called to the chair.

Mr. Barry, from the committee on enrolment, reported as correctly enrolled, "An act to increase the compensation of the supervisors of the several townships of this state;" "An act to authorize the sale of certain land;" "An act for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter;" "An act to authorize the supervisors of the county of Washtenaw to raise a certain sum of money;" "An act to incorporate the Ladies' orphan association of the city of Detroit;" also, "A resolution relative to the revision of the laws, and for other purposes."

On motion of Mr. Comstock,

Resolved, That the Senate proceed now to the election of a President pro tempore for the Senate.

The Senate, on motion of Mr. Davis, then took a recess for fifteen minutes.

When the Senate again convened,

The Senate, on motion of Mr. Rumsey, proceeded to the election of President pro tempore of the Senate.

Upon the roll being called, the vote stood as follows:

For Jonathan D. Davis—Messrs. Barry, Clark, Ellis, Hough, Kercheval, Manning, McKey, Summers—8.

For Olmsted Hough—Messrs. Britain, Comstock, Cooper, Davis, Moore, Rumsey—6.

And Mr. Davis was thereupon declared duly elected President pro tempore of the Senate.

Mr. Davis was thereupon conducted to the chair, by Messrs. Barry and Moore.

On motion of Mr. Hough, a committee of two was appointed to wait upon the Governor, to inform his Excellency that the Senate had elected Jonathan D. Davis as President pro tempore; and Messrs. Hough and Britain were appointed said committee.

On motion of Mr. Comstock, a like committee was appointed to inform the House of Representatives thereof; and Messrs. Comstock and McKey were appointed said committee.

The President pro tem. announced messages from the Executive, received through his private secretary, in the words following:
To the Senate and House of Representatives :

I have this day approved and filed in the office of the Secretary of State, the following acts viz: "An act to amend an act entitled 'An act to construct dams and improve the navigation of certain rivers,' approved March 24th, 1836;" "An act to incorporate the Adrian and Coldwater turnpike road company;" "An act granting to Norman Nash and Nicholas Ayrault the right to keep and maintain a ferry across the St. Clair river;" "An act to amend an act entitled 'An act to incorporate the Michigan and Huron institute;'" "An act to incorporate the Michigan mutual fire insurance company;" "An act to incorporate the Pontiac and Huron river canal company;" "An act to amend the several acts relative to the city of Detroit;" "An act to regulate general elections;" and "A resolution to remit the payment of a state tax by the inhabitants of the counties of Chippewa and Mackinac."

STEVENS T. MASON.

March 21, 1837.

To the Senate and House of Representatives :

I have this day approved and filed in the office of the Secretary of State, "An act to incorporate the Owasso and Saginaw navigation company;" "An act relative to the duties of sheriffs and jailers, in certain cases;" "A joint resolution relative to imprisonment for debt," and "A resolution relative to the River Raisin and Lake Erie railroad company."

STEVENS T. MASON.

March 20, 1837.

The President pro tempore announced a message from the House of Representatives, received through their clerk, in the words following ;

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return to the Senate, without amendment, the bill entitled "A bill to increase the compensation of the supervisors of the several townships of this state," which has passed the House ; also a bill entitled "A bill for the relief of Martin Story, Alexander H. Stowell and N. B. Carpenter," without amendment.

I also herewith return the bill entitled "A bill making appropriations for the year 1837, for the pay of officers and members of the legislature;" and that the House have receded from their amendment to strike out "six" and insert "five" in the proviso in the second section, to which the Senate non-concurred; and that the House have non-concurred in the amendment made by the Senate to the amendment made by the House, and have appointed Messrs. Burbank, Bingham and Cornell, as a committee of conference on the above bill, and respectfully ask the appointment of a similar committee on the part of the Senate.

Also, that the House insist upon their amendment made to the bill entitled "A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes," and that they have appointed Messrs. Lothrop, Mosely, Burbank, a committee of conference on their part, and respectfully ask the appointment of a similar committee on the part of the Senate.

Also return the resolution entitled "A resolution relative to the securities to be furnished by banking associations," with amendment.

Also, without amendment, the bill entitled "A bill to authorize the sale of certain lands."

The Senate, on motion of Mr. Manning, then agreed to the appointment of a committee of conference on the part of the Senate, on the disagreement between the two houses on the bill entitled "A bill to provide for the purchase of the Detroit and Pontiac railroad company;" and Messrs. Manning, Comstock and Rumsey were appointed said committee.

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit to the Senate, the bill entitled "An act to incorporate the Grand Rapids bridge company," with an amendment thereto, to strike out the sixth section, which was objected to by the Executive, and in consequence of which, he returned the same to the House without his approval.

Also a bill entitled "A bill to incorporate the Detroit and Clinton river canal company," which has passed the House.

Also the bill entitled "A bill to provide for the disposition of the surplus revenue," with amendments thereto by the Senate, in the first of which the House concurred, and in the second non-concurred.

In all of which the concurrence of the Senate is respectfully requested.

The Senate, on motion of Mr. Comstock, concurred in the amendment made by the House of Representatives to the bill entitled "An act to incorporate the Grand Rapids bridge company," to strike out the sixth section of said bill.

The Senate, on motion of Mr. Barry, agreed to the appointment of a committee of conference on the disagreement between the two houses on the bill entitled "A bill making appropriations in part for 1837, for the pay of officers and members of the legislature," and Messrs. Barry, Kercheval and Moore were appointed said committee.

Mr. Comstock moved that the Senate recede from their amendment to the bill entitled "A bill to provide for the disposal of the surplus revenue, and for other purposes;" before the question was taken, Mr. Barry moved a call of the Senate, which being sustained, there were absent, Messrs. Manning, McDonell and Rumsey, and on motion of Mr. Barry, the sergeant-at-arms was sent for Messrs. Manning and Rumsey.

The President pro tem. announced a message from the Executive, received through his private secretary, in the words following:

To the Senate and House of Representatives :

I have this day approved and filed in the office of Secretary of State, the following acts, viz: "An act for the regulation of internal improvements, and for the appointment of a board of commissioners," and "An act to amend an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners.'"

STEVENS T. MASON.

March 21st, 1837.

The Senate, on motion of Mr. Ellis, concurred in the amendment made by the House of Representatives to the "resolution relative to the securities of banking associations."

The President pro tem. announced a communication from the state Treasurer in the words following :

STATE TREASURER'S OFFICE, }
Detroit, March 21st, 1837. }

SIR—I have the honor to acknowledge the receipt this day from the Secretary of the Treasury of the United States, transfer drafts for the sum of ninety-five thousand three hundred and eighty-three dollars and eighty-three hundredths, being the second instalment of the surplus revenue accruing to the state of Michigan.

Very respectfully

Your obedient servant,

H. HOWARD, *Treasurer.*

HON. E. MUNDY, *President of the Senate.*

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate the bill entitled “A bill to incorporate the Gibraltar and Clinton railroad company,” with sundry amendments made thereto by the Senate, in some of which the House have concurred and in some have non-concurred.

The Senate, on motion of Mr. Britain, receded from their amendments to the above bill, which had been non-concurred in by the House of Representatives.

On motion of Mr. Ellis,

Resolved, That the committee on finance shall be the committee of ways and means, on the part of the Senate, for all the purposes contained in the joint resolution by the Senate and House of Representatives relative to the capitol, approved the 28th of March, 1836.

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate a bill entitled “An act supplementary to an act entitled ‘An act for the regulation of internal improvements, and for the appointment of a

board of commissioners ;" also " A resolution relative to the nomination of commissioners ;" also a bill entitled " A bill making appropriations for the year 1837," with sundry amendments, in which they respectfully ask the concurrence of the Senate."

The bill from the House of Representatives entitled "A bill supplementary to an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners ;'" having been read a first and second times, was thereupon ordered to third reading.

And the bill, on motion of Mr. Britain, was committed to a select committee; and Messrs. Britain, Barry and Hough were appointed said committee.

The Senate, on motion of Mr. Barry, concurred in the resolution from the House of Representatives relative to the nomination of commissioners of internal improvements.

The Senate, on motion of Mr. Clark, took up the resolution relative to a joint committee on the state penitentiary; and the question being on concurring in the amendment made thereto by the House of Representatives, was decided in the negative.

And the resolution was laid on the table.

The President pro tem. announced a message from the Executive, received through his private secretary, in the words following:

To the Senate and House of Representatives :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz: "An act to authorize the sale of certain lands ;" "An act to authorize the supervisors of the county of Washtenaw to raise a certain sum of money," and "An act to increase the compensation of the supervisors of the several townships in this state."

STEVENS T. MASON.

March 21st, 1837.

The President pro tem. announced a message from the House of Representatives received through their clerk in the words following.

Mr. PRESIDENT—I am directed by the House of Representatives to inform the Senate that they have receded from their amendment to which the Senate non-concurred to the bill entitled "A bill making appropriations in part for the year 1837, for the pay of officers and members of the legislature.

A committee from the House of Representatives was announced who informed the Senate that the House of Representatives were now ready to meet the Senate in joint convention, in the hall of the House of Representatives, for the purpose of receiving a nomination from the Executive, of commissioners of internal improvement.

The Senate, on motion of Mr. Barry, thereupon proceeded to the hall of the House of Representatives.

When the Senate returned to their chamber,

The President pro tem. announced that the Senate and House of Representatives, in joint convention, had received from the Executive a nomination of seven individuals as a board of commissioners of internal improvement; and that the two houses had adjourned to half past 4 o'clock, P. M. to meet in joint convention for the purpose of acting on said nomination.

Mr. Clark submitted resolutions in the words following:

Resolved, That three commissioners be chosen by joint ballot for both houses of the legislature, whose duty it shall be to visit and examine such places in this state as in their opinion possess the greatest advantages for the location of a state prison: ascertain such facts as they may deem essential respecting the natural advantages of such places and the peculiar advantages they furnish: that they be authorized to receive propositions from individuals for a site and for furnishing materials and erecting such building or buildings as may be necessary for said prison; and also report what plan is preferable, as well as what system of prison discipline is in their view the most humane and the most efficient for answering the ends of the institution, and that they report in the premises at the next session of the legislature.

Resolved, That each of said commissioners be allowed dollars per diem for his services while actually engaged in performing the duties aforesaid.

The Senate, on motion of Mr. Summers, took a recess to seven o'clock, P. M.

EVENING SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Manning, the committee of the whole was discharged from the further consideration of the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An

act concerning deeds and conveyances of lands," and the bill was thereupon ordered to third reading; and the bill, on motion of Mr. Britain, was read a third time and passed.

The amendments made by the House of Representatives to the bill entitled "A bill making appropriations for the year 1837," were severally concurred in by the Senate.

The Senate, on motion of Mr. Cooper, then took up the resolution relative to the appointment of commissioners on the subject of the state penitentiary.

The resolutions, on motion of Mr. Ellis, were amended by striking out the words "chosen by joint ballot of both houses of the legislature," and inserting "appointed by the Executive;" and by striking out the word "resolved" where it last occurs, and inserting "and;" and adding after the word "resolved," where it first occurs, the words "by the Senate and House of Representatives of the state of Michigan."

And the resolution as amended was thereupon adopted by the Senate.

Mr. Ellis submitted a joint resolution, which was adopted by the Senate, being in the words following:

Resolved by the Senate and House of Representatives of the State of Michigan, That the state printer be, and he is hereby, required to print in pamphlet form, without delay, three thousand copies of an act entitled "An act to organize and regulate banking associations," and the several acts and resolutions amendatory or in relation thereto; the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations," and the act or acts in addition or amendatory thereto; and the several acts relating to a board of internal improvements, and to provide for the loaning of a certain sum of money, by and in behalf of the people of this state; and that when said acts, printed in pamphlet form, are published in manner aforesaid, it shall be the duty of the Secretary of State to cause the same to be distributed in the same manner as the laws of this state, published in form and manner aforesaid, are or may be authorized and required to be published.

On motion of Mr. Barry,

Resolved, That the reports of the several banks of this state,

made to the legislature at its present session, be published in the state paper and with the journal of the Senate.

A committee from the House of Representatives was announced, who informed the Senate, that the House of Representatives were now ready to meet the Senate in their hall, pursuant to adjournment, for the purpose of acting on the nomination by the Executive, of commissioners of internal improvement.

The Senate thereupon proceeded to the hall of the House of Representatives.

When the Senate returned to their chamber, the President pro tempore announced that the two houses of the legislature, in joint convention, had advised and consented to the nomination of Hart L. Stewart, John M. Barbour, Gardner D. Williams, Levi S. Humphrey, Justus Burdick and David C. McKinstry, as commissioners of internal improvement; and had not advised and consented to the nomination of David Le Roy as one of said commissioners; and that they had subsequently advised and consented to the appointment of James B. Hunt, as commissioner, in the room of Daniel Le Roy, whose nomination had not been confirmed.

The President pro tempore announced a message from the House of Representatives, received through their clerk, in the words following:

MR. PRESIDENT—I am directed by the House of Representatives to inform the Senate that the House have disagreed to the report made by the committee of conference; and therefore insist upon their amendment made to the bill entitled "A bill to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes."

The Senate, on motion of Mr. Manning, concurred in the amendment made by the House of Representatives to said bill; the question on concurring being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Comstock,
Mr. Cooper,
Mr. Hough,

Mr. Manning,
Mr. Rumsey,
Mr. Summers,

9

NAYS.

Mr. Davis,
Mr. Ellis,

Mr. Kercheval,

Mr. McKey,

4

The Senate, on motion of Mr. Barry, took up the bill from the House of Representatives, entitled "A bill relative to incorporations for manufacturing purposes;" and the bill was thereupon ordered to third reading, and on motion of Mr. Barry, was then read a third time and passed.

The President pro tempore announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit to the Senate, from whence it originated, a joint resolution, entitled "A resolution relative to the appointment of commissioners on the subject of the state penitentiary," with an amendment; also, a resolution entitled "A resolution giving certain instructions to the state printer," without amendment.

The Senate thereupon concurred in the amendment by the House of Representatives to the first of said resolutions.

And the Senate, on motion of Mr. Manning, then went into the consideration of executive business.

When the doors were opened,

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the resolution entitled "A resolution relative to the appointment of commissioners on the subject of the state penitentiary."

The President pro tem. announced a message from the House of Representatives, received their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit a joint resolution relative to the adjournment of the legislature, which has passed the House, and in which the concurrence of the Senate is respectfully requested.

The question being on concurring in said resolution, being in the words following:

Resolved by the Senate and House of Representatives, That the joint resolution to adjourn on the 21st instant, be, and the same is hereby, rescinded, and that the legislature will adjourn on the 22d instant,

Mr. Britain moved to amend by striking out "22d" and inserting "23d," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Britain,
Mr. Clark,

Mr. Hough,
Mr. Kercheval,

Mr. Moore,

5

NAYS.

Mr. Barry,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Ellis,
Mr. Manning,

Mr. McKey,
Mr. Rumsey,
Mr. Summers,

9

And the resolution was thereupon concurred in, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Comstock,
Mr. Cooper,

Mr. Hough,
Mr. Kercheval,

Mr. Moore,
Mr. Rumsey,

7

NAYS.

Mr. Barry,
Mr. Ellis,

Mr. Manning,
Mr. McKey,

Mr. Summers,

5

And the Senate, on motion of Mr. Ellis, then adjourned.

Wednesday, March 22, 1837.

The Senate met pursuant to adjournment.

Mr. Comstock submitted the following resolutions:

Resolved, That in the opinion of the legislature, the order issued by the Secretary of the Treasury in July, 1836, limiting the funds receivable at the land offices of the United States in payment of the public lands, has had a most injurious effect upon the business and the currency of this state, and that said order ought to be rescinded.

Resolved, That the effect of said order has been to lessen in a great degree the amount of specie in general circulation in this state, and to substitute therefor the several bills issued by banks in states where there are no public lands for sale.

Resolved, That in the opinion of this legislature, said order has failed to answer, to any desirable extent, the patriotic purposes entertained by the President of the United States, when it was issued ; and that its effect has been to increase the embarrassment then existing to an alarming extent, in the monetary concerns of the country.

Resolved, That the Governor of this state is hereby requested to transmit the foregoing resolutions to the President of the United States.

The resolutions, on motion of Mr. Britain, were referred to a select committee of five, one from each senatorial district; Messrs. Britain, Hough, Manning, Rumsey and Kercheval were appointed said committee.

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled, the following bills: "An act to incorporate the Detroit and Ann Arbor turnpike or timbered road company;" "A resolution relative to the securities to be furnished by banking associations;" "An act making appropriations in part for the year 1837, for the pay of officers and members of the legislature."

The question being put on receding from the amendment made by the Senate to the bill entitled "A bill to provide for the disposal of the surplus revenue, and for other purposes," which had been non-concurred in by the House of Representatives:

Mr. Barry moved a call of the Senate, which being sustained, there were absent, Messrs. Clark and McDonell. Mr. McDonell being excused, the sergeant-at arms, on motion of Mr. Barry, was sent for Mr. Clark.

The question recurring on receding from said amendment, Mr. Summers moved a call of the Senate, which being sustained, there were absent, Messrs. Barry, Britain and Moore; and the sergeant-at-arms was sent for the absent members.

The question on receding from the amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Cooper,	Mr. Hough,	
Mr. Comstock,	Mr. Davis,		5

NAYS.

Mr. Barry,	Mr. Kercheval,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Ellis,	Mr. McKey,	Mr. Summers,	9

Mr. Ellis, from the committee on enrolled bills, reported as correctly enrolled the bill entitled "A bill making appropriations for the year 1837."

The Senate, on motion of Mr. Manning, then took up the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to repeal an act entitled 'An act to provide for establishing seats of justice;'" and the bill, on motion of Mr. Barry, was amended by striking out all after "amendatory," in line eleven; and the bill was ordered to third reading, and on motion of Mr. Barry, was then read a third time and passed.

The President pro tem. announced a message from the Executive, received through his private secretary, in the words following:

To the Senate and House of Representatives:

I have this day approved and filed in the office of the Secretary of State, the following acts, viz: "An act to incorporate the Detroit and Shiawassee railroad company;" "An act to amend an act entitled 'An act concerning deeds and conveyances;'" "An act granting to Thomas Palmer, James McClanan and Daniel Lockwood, the right to keep and maintain a ferry across the St. Clair river, at the village of Palmer;" "An act authorizing the building of certain dams therein named;" "An act relative to incorporations for manufacturing purposes;" "An act to incorporate the Saginaw and Genesee railroad company."

STEVENS T. MASON.

March 22, 1837.

Mr. Britain, from the select committee to whom had been committed the bill from the House of Representatives, entitled "A bill supplementary to an act entitled 'An act for the regulation of internal improvements, and for the appointment of a board of commissioners,'" reported the same back to the Senate, without amendment.

And the bill thereupon passed.

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I am directed by the House of Representatives to inform the Senate, that Messrs. Lothrop, Wing and Mosely have been appointed a committee of conference, on the part of the House, relative to the disagreement between the two houses, respecting the bill entitled "A bill to provide for the disposal of

the surplus revenue," and respectfully request the appointment of a similar committee on the part of the Senate.

And the Senate, on motion of Mr. Cooper, then agreed to the appointment of a committee of conference on the part of the Senate, on the disagreement between the two houses on the above bill; and Messrs. Manning, Moore and Hough were appointed said committee.

The Senate, on motion of Mr. Hough, took up the bill from the House of Representatives, entitled "A bill to prohibit the circulation of bills of a less denomination than five dollars, and for other purposes."

And the bill was ordered to third reading; and the bill was then read a third time.

The Senate, on motion of Mr. Comstock, then took up the bill from the House of Representatives, entitled "A bill to incorporate the Detroit and Clinton river canal company;" and the bill, on motion of Mr. Clark, was laid on the table, the question being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McKey,	
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Clark,	Mr. Ellis,	Mr. Summers,	
Mr. Comstock,	Mr. Kercheval,		11

NAYS.

0

The President pro tem. announced a message from the Executive, on executive business; and the Senate, on motion of Mr. Ellis, then went into the consideration of executive business, with open doors.

When the executive session closed,

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the resolution giving certain instructions to the state printer.

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—I herewith transmit to the Senate the bill entitled "A bill to amend an act entitled 'An act to repeal an act en-

titled 'An act to provide for establishing seats of justice,' " with an amendment thereto by the Senate, in which the House non-concurred. I also am directed to inform the Senate that the House have concurred in the report of the committee of conference on the bill entitled "A bill to provide for the disposal of the surplus revenue, and for other purposes ;" in all of which the concurrence of the Senate is respectfully requested.

The Senate, on motion of Mr. Comstock, thereupon concurred in said report of the committee of conference.

And the Senate also receded from their amendment to the bill entitled "A bill to amend an act entitled 'An act to repeal an act entitled 'An act to provide for establishing seats of justice.' " "

The Senate, on motion of Mr. Britain, took up the report of the committee on state affairs, on the subject of the university lands on the Niles reservation; the report, on motion of Mr. Britain, was amended by adding thereto an additional resolution.

And the resolutions were thereupon adopted by the Senate, in the words following :

Resolved, That until the locations made by the state are confirmed, it is inexpedient to legislate upon the proposed rights of the claimants.

Resolved by the Senate and House of Representatives of the State of Michigan, That if the locations made for seminary purposes in the fall of 1836, on the Niles and Nottawa reservations be confirmed, the same shall not be sold or leased until after the next annual session of our state legislature, and that the several claimants present their claims to the legislature at that time, setting forth the land claimed, the time the same was first cultivated by the claimant, and whether the claimant took possession of the land for himself or another, and whether he has agreed to sell the same.

Mr. Rumsey, from the committee on enrolled bills, reported as correctly enrolled the following bills : "An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes."

The President pro tem. announced a message from the Executive on executive business.

And the Senate then again went into the consideration of executive business, with open doors.

When the executive session closed, the President pro tem. announced a message from the Executive, received through his private secretary, in the words following :

To the Senate and House of Representatives :

I have this day approved and filed in the office of the Secretary of State, the following acts : "An act making appropriations for the year one thousand eight hundred and thirty-seven ;" "An act making appropriations in part for the year one thousand eight hundred and thirty-seven, for the pay of officers and members of the legislature ;" "An act to extend Fort street, in the city of Detroit, until it intersects the road leading from the Detroit river to Dearbornville ;" "An act to incorporate the Detroit, Plymouth and Ann Arbor turnpike or timbered road company ;" "An act supplementary to an act entitled 'An act for the regulation of internal improvements, and for the appointment, of a board of commissioners ;' also, "A resolution relative to the appointment of commissioners on the subject of the state penitentiary ;" and "A resolution relative to the securities to be furnished by banking associations."

STEVENS T. MASON.

March 22, 1837.

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—I herewith transmit to the Senate a joint resolution which has passed the House of Representatives, entitled "A resolution to provide for the publication and distribution of the laws," in which they respectfully ask the concurrence of the Senate.

Said resolution from the House of Representatives was thereupon concurred in by the Senate.

A message was received from the House of Representatives, informing the Senate that Messrs. Lothrop and Mosely had been appointed a committee on the part of the House of Representatives, to wait upon the Governor and to inform him that both

houses of the legislature were now ready to adjourn, and inquire if he had any further communication to make to either house.

On motion of Mr. Clark, a like committee was appointed on the part of the Senate, and Messrs. Clark and Hough were appointed said committee.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled "An act to incorporate the city of Monroe."

The President pro tem. announced the following message from the Executive, received through his private secretary, viz :

To the Senate and House of Representatives :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to incorporate the Gibraltar and Clinton railroad company ;" "An act to provide for the disposal of the surplus revenue and five per cent. fund, and for other purposes ;" "An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes ;" "An act to repeal an act entitled 'An act to provide for establishing seats of justice ;'" "An act to amend an act entitled 'An act to repeal an act entitled 'An act to provide for establishing seats of justice ;'" and "A resolution giving certain instructions to the state printer."

STEVENS T. MASON.

March 22, 1837.

To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to amend an act entitled 'An act amendatory to the acts herein recited, and to provide for defraying the public and necessary charges for state, county and township purposes ;'" "An act for the relief of Martin Story, A. H. Stowell and N. B. Carpenter ;" "A resolution relative to the revision of the laws, and for other purposes ;" "An act to amend act entitled 'An act to authorize judges of probate to grant license to sell the real estate of minors and others,' approved July 25, 1834 ;" "An act to amend an act entitled 'An act directing the settlement of estates of persons deceased, and for the conveyance of real estate in certain cases ;'" "An act authorizing the construction of a ship canal around the Falls of St. Marie ;"

"An act to incorporate the Grand Rapids bridge company ;" "An act authorizing a loan of a sum not exceeding five millions of dollars ;" "An act to amend an act entitled 'An act to extend Jefferson avenue to the intersection of the present Grosse Point road on Lake St. Clair ;'" "An act to provide for the enlargement of the state library ;" "An act to provide for the disposition of the university and primary school lands, and for other purposes ;" "An act to amend an act entitled 'An act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes ;'" "An act to discharge the demands for supporting the supremacy of the laws ;" "An act to provide for the salaries of certain state officers ;" "An act to incorporate the Ladies' orphan association of the city of Detroit ;" "An act to incorporate the Ypsilanti and Manchester railroad."

STEVENS T. MASON.

March 21, 1837.

To the Senate and House of Representatives :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "A resolution to provide for the publication and distribution of the laws ;" and "An act to incorporate the city of Monroe."

STEVENS T. MASON.

March 22, 1837.

Mr. Clark, from the committee appointed to wait upon the Governor, reported that the Governor had informed the committee that he had no further communication to make to either house of the legislature.

On motion of Mr. Comstock,

Resolved unanimously, That the thanks of the Senate be, and they are hereby, tendered to the Hon. E. Mundy, President of the Senate, for the able and impartial manner in which he has presided over this body, and discharged the high and responsible duties of his office.

And the Senate, on motion of Mr. Hough, then adjourned to the ninth day of November next.

JOURNAL OF THE SENATE
OF THE
STATE OF MICHIGAN,
EXTRA SESSION.
1837.

SENATE JOURNAL,

SPECIAL SESSION.

JUNE 12th—22nd, 1837.

Monday, June 12, 1837.

In pursuance of a proclamation from the Executive, convoking a special session of the legislature, the Senate convened this day in their chamber in the capitol, in the city of Detroit.

Present—Hon. Lieut. Gov. E. Mundy, president of the Senate, and Messrs. Barry, Britain, Comstock, Cooper, Davis, Hough, Manning, McDonell, Raynale, Rumsey.

A message was received from the House of Representatives, through their clerk, in the words following :

Mr. PRESIDENT—I am instructed by the House of Representatives to inform the Senate that a quorum of the House of Representatives have assembled.

On motion of Mr. McDonell,

Ordered, That the secretary inform the House of Representatives that the Senate is now organized and ready to proceed to business.

On motion of Mr. Barry,

Resolved, That the Senate appoint a committee consisting of two members, to wait upon his excellency the Governor, with such committee as shall be appointed by the House of Representatives, and to inform him that the two houses of the legislature have met and are ready to receive any communication that he may see fit to make.

Whereupon, Messrs. Barry and Davis were appointed said committee on the part of the Senate.

A message was received from the House of Representatives through their clerk, in the words following :

Mr. PRESIDENT—I am instructed to inform the Senate that a committee of two, consisting of Messrs. Lothrop and Cressey, have been appointed on the part of the House, to wait upon his excellency the Governor, and inform him that a quorum of the two houses have assembled and are ready to receive any communication he may see fit to make to them, and request the appointment of a similar committee on the part of the Senate.

Mr. Barry, from the committee appointed on the part of the Senate to wait upon his Excellency, informed the Senate that the joint committee of both houses had performed that duty, and that his Excellency had informed them that he would make a communication forthwith to either house, in writing.

The following message was received from the Executive, through his private secretary :

MESSAGE.

*Fellow citizens of the Senate,
and House of Representatives :*

You have been called together at this time, in consequence of the existence of the financial and commercial embarrassments which at present disturb the tranquility of the nation. Happily the people of our own state, have not, as yet, felt these embarrassments so heavily as other portions of the Union. But as the recent measures adopted in the Atlantic states, cannot fail to operate oppressively upon the western country, unless promptly met, I have, with a desire to protect the citizens of Michigan, conceived it my duty to consult you and ask your counsel and co-operation in the endeavor to avert the calamity. I feel confident that this co-operation will be readily extended to me ; and however great the inconvenience resulting to you personally by your convocation at this season of the year, and at so early a day after the close of an arduous session, I am assured they will weigh little with you, when balanced with the welfare of the state and the prosperity of those who have placed their interests in your keeping.

The present crisis in the moneyed affairs of the country, is such as should bring us to a pause, and induce us well to reflect

upon the causes which have led to it. It should teach us, although we may learn the lesson of wisdom by sad experience, to avoid in future, the seductive career of apparent, but unreal prosperity, which the nation has lately pursued, and which has brought us ultimately to the very verge of general bankruptcy. Let us seek out the true sources from whence these evils have arisen, and henceforth avoid them; bearing in mind, that like causes, if hereafter sanctioned by the people, must again bring about the very like calamitous results which we now deplore.

By the universal consent of all nations, gold and silver has been made the currency and standard of value with the great commercial world. But the scarcity of these metals, has compelled most governments of extensive trade and commerce, to create a representative currency to answer the immediate purposes of domestic exchanges. In the United States, this representative is composed of the paper issues of authorized banking associations, having a metallic basis created and pledged for its redemption. The notes of these associations, are received at home in all exchanges, and constitute the far greater portion of the circulating medium of the country. But, as a general rule, in the exchanges and commercial intercourse with foreign nations, the ordinary bank issues fail to answer the demands of trade; and resort must be had to gold and silver, or the products of labor through the medium of exportation.

The debt owed by one nation to another, cannot be paid but with real effects, either in coin or commodities. Where both these sources fail, pecuniary embarrassments must fall upon the nation against which the balance of trade exists, and the debt created can only be cancelled by bankruptcy. These are the first principles of commercial relations, are applicable to nearly all nations, and are as invariable in their operation as the laws of nature.

We may trace, however, in a very great extent, all our present pecuniary embarrassments to one fatal error into which the country has fallen. That error, is to be found in our system of overbanking. The excess of bank facilities and bank issues, has made the representative of money too abundant, and has consequently brought in its train the evils of our overtrading and

speculation, the augmentation of prices already high, increased and unwarrantable investments in unproductive lands, and foreign imports beyond the wants or means of the nation. It is admitted that the great enterprize of the American people demands in a greater or less degree, a paper currency, the precious metals not being sufficiently abundant to answer all the ends of the circulating medium required by the multifarious interests of a wide extended and constantly increasing country. But this paper medium must be limited, and should be restricted in its circulation, so as not to exceed in too great an amount the metallic basis which it is made partly to represent.

What are the effects of excessive bank issues upon a community, as proclaimed by the simplest principles of political economy? They are, the depreciation of bank paper, an increase of the price of all commodities, an extension of excessive credits, the neglect of productive labor, and a country involved in debt. The banks are called upon for specie to pay the debt of the country, their specie will not meet their outstanding issues, confidence is shaken, runs are made upon them, they are compelled to contract their loans and call in their discounts, and a general pressure, if not bankruptcy, are the inevitable results that follow. The condition of the United States at the present time is a perfect illustration of those principles. The recorded history of the different states shows millions of an increase of bank facilities; money, or rather its representative, has been abundant; credits have been unparalleled; our land offices tell of a dead capital of millions buried in unproductive lands; our custom-houses, deducting profits, freight, and difference of valuation, present a balance of trade against us of millions by importation; our circulating medium has depreciated, or, which is the same thing, every other exchangeable commodity has risen, and Europe has exhibited the strange phenomena of underselling us on our own shores in the exportation of her bread stuffs to America. A revulsion now begins. Our debt must be paid to Europe. The banks of the Atlantic cities are unable to furnish sufficient gold and silver on their issues to meet the demand; runs are made upon them, and the result has been a universal pressure and a general suspension of specie payments in order to prevent as general a bankruptcy.

It may be inquired, what remedy has the country left by which she may be relieved from her present embarrassments? I answer, by a gradual diminution and absorption of her bank issues, a curtailment of her too-extended trade, a cessation from mad investments of capital in unproductive lands, a resort to frugality, and an application to honest industry. For years past we have been forcing importations and other departments of business, too far in advance of the productive labor of the country. The nation that falls into this error, must sooner or later experience a revulsion. We must now produce commodities to make up the balance of trade against us, and the price of those commodities must fall until no other nation can compete with us in the great market of the commercial world. In a few years our productive labor will bring back the money which must leave the country in payment of debts, for the laws of trade will take it where the debt is owed, and any attempt to prevent it, will prove as powerless as the command of that feeble monarch who sat upon the beach and forbade the ebbing and flowing of the tide.

But, fellow citizens, let me direct your attention to the immediate question which requires your consideration. You are doubtless aware, that the banks of the Atlantic and southern states, under a most unprecedented demand for the redemption of their notes, have been compelled to suspend specie payment, and that in New York the proceeding has been sanctioned by the legislature of that state. Circumstances justify the conclusion, that this policy will be adopted by most of the states of the Union. The intimate financial and commercial relations existing between New York and Michigan, have induced the banks of this state, as a measure of self-protection, to avail themselves of a provision of their charters, and to suspend specie payments likewise. You are now called upon to sanction this procedure, for the purpose of preserving to our own citizens a circulating medium during the suspension in New York and elsewhere.

I feel gratified in being able to assure the public, that from an investigation of the Bank Commissioner, recently instituted, I have the utmost confidence in the solvency of the banks of the state, and I refer you to his report accompanying this communication, as a warrant for this conviction. It is nevertheless but just, how-

ever, that they should be protected from an unusual and unexpected drain upon their specie, in consequence of the privileges which have been extended to the banks of New York. The expediency of the measure, as adopted by that state, may, perhaps, well be questioned; and it may be doubted whether the embarrassments of the country should not have been left to seek their correction in the natural results which always follow a state of overtrading. The work, however, has been begun; a suspension of specie payments for one year has been authorized by a powerful neighboring state, and the question is, can Michigan, without injustice to herself, attempt to withstand the current which is every where flowing around her.

Admitting the ability of the banks to redeem their notes in circulation, can we dispense with a circulating medium of our own for the twelve months to come? There is not, at present, sufficient gold and silver to answer the purposes of an exclusive metallic currency, and we must from necessity depend in part upon the issues of our own banks. If the banks of this state are compelled peremptorily to redeem their notes during the general suspension in other states, they must unavoidably call in their circulation and cease all accommodations to the community, as their notes if issued would immediately run back upon them for redemption, in consequence of specie bearing a premium abroad. The banks then of this state, if required to resume specie payments before the resumption in New York, must, for self-preservation, stop the entire circulation of their notes. Or on the other hand, they may be tempted to avail themselves of a doubtful provision of their charters, and by resuming specie payments, temporarily at the expiration of every sixty and thirty days, flood the country with their paper, which from its then excess of circulation, would still further depreciate in value. The doubtful power too, here exercised, would also aid in depreciating the circulating medium of the state, from the fact, that it might be considered as working a forfeiture of their charters. The resumption of specie payments then, with this excess of depreciated paper in the country, would be disastrous in its consequences, if not impracticable.

As the only alternative, although a deplorable and hazardous one, I would recommend the passage of a law, exempting all the

banks reported as safe and solvent by the Bank Commissioner, for one year, or until the resumption of specie payments in New York and other states, from the liabilities of a forfeiture of charter for declining to pay specie on their notes. A law to this effect, would avoid the constitutional question of impairing the obligation of contracts, and would leave the bill-holder his remedy at law against the banks, should he choose to adopt it.

Should you deem the passage of such an act requisite, its provisions, however, should be rigidly scrutinized and strictly guarded, so that the public may feel a perfect confidence in the ultimate redemption of the issues of the banks. In the first place, I would suggest, that the law should be made applicable to the safety fund banks, and such others, as within a limited period come within the provisions of the "Act to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes;" and also that the banks be required to receive on deposit and in payment of debts due from *individuals* the notes of each other. These provisions, if adopted, will give uniformity to the circulating medium, and prevent any one bank from discrediting the bills of another. Each bank should be compelled also, if practicable, to retain its specie now on hand, and to exhibit periodically to the Bank Commissioner the fact that it is continued in their vaults, with the exception of such sums as they may voluntarily choose from time to time, to pay out in redemption of their notes, or for other authorized purposes. The great object to be desired, is to prevent the banks from selling their specie at a premium, and you should by your act, visit upon every such institution thus disposing of its specie, the severest penalties, together with the forfeiture of charter.

It is highly desirable, likewise, that the banks should be restricted in their issues to such an amount as will answer the reasonable wants of the public, without suffering them to expand their circulation to such an extent as would retard the resumption of specie payments, a measure highly demanded by the interest and character of the country. And in order to secure a rigid enforcement of the provisions of this law, I would recommend such an amendment to your present statute, as will clothe the Bank Commissioner and Chancellor with unrestricted authority to close by injunction

any institution found violating the rules and restrictions you may prescribe for them.

With such a law as I have suggested, it seems to me, that we cannot fail to be insured a circulating medium commanding the confidence of the public. If the banks are restrained from selling their specie, if they are made to curtail by degrees their issues, and to receive the notes of each other on deposit and in payment of debts due from *individuals*, it follows, that their present circulation will be gradually absorbed, that the debts of the community will speedily diminish, and that the consequences to be apprehended from the attempt hereafter to resume specie payments, will be in some measure avoided. This, together with a fertile soil, economy, and the industry of an enterprising population, must unquestionably secure to Michigan a continuation of her present real and unprecedented prosperity. Her career may be retarded, but can never be arrested, and if she pause, it is but to renew her onward march with redoubled energy and vigour.

I may here, fellow citizens, suggest in concluding this communication, that the great interest attending the approaching session of the Congress of the United States, may render it highly desirable that Michigan should be represented in both its branches.—Your attention is therefore called to the propriety of ordering an election of a member of the House of Representatives, at an earlier day than is now provided by law.

With the confident expectation that your wisdom will supply the defect of any recommendations of my own, you have the assurance of my hearty co-operation in the accomplishment of any measure calculated to protect or promote the interests of the people of Michigan.

STEVENS T. MASON.

June 12, 1837.

The message and accompanying documents having been read,
On motion of Mr. Comstock,

Ordered, That five hundred copies of the message of the Governor be printed for the use of the Senate.

Ordered, That the report of the Bank Commissioner and accompanying documents be laid on the table and printed.

(*See Senate Document No. 1.*)

On motion of Mr. Barry,

Resolved, That so much of the Governor's message as relates to the election of a member of the House of Representatives of the United States, be referred to the committee on elections.

The President, in pursuance of one of the rules of the Senate, requiring the appointment of certain standing committees at the commencement of each session, reappointed the several standing committees of last session.

The Senate, on motion of Mr. Barry, then adjourned to 10 o'clock, A. M., to-morrow.

Tuesday, June 13, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Ellis, Kercheval, McKey and Moore.

On motion of Mr. Manning,

Resolved, That the committee on finance be instructed to inquire whether the law passed at the last session of the legislature, relative to taxation and assessments, is in any respect deficient and requires amending, and to report by bill or otherwise.

A message was received from the House of Representatives, through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit a joint resolution relative to the reference of so much of the Governor's message as relates to the currency, which has passed the House, and in which the concurrence of the Senate is respectfully requested.

The Senate thereupon non-concurred in the said resolution from the House of Representatives, being in the words following :

Resolved, (if the Senate concur herein,) That so much of the Governor's message as relates to the currency of this state, with the documents relating thereto accompanying the same, be referred to a joint select committee, composed of five members on the part of the House and three on the part of the Senate, and that said committee have leave to report by bill or otherwise.

Mr. Davis submitted a resolution in the words following :

Resolved, That so much of the Governor's message as relates to the currency, be referred to a select committee of five, one from each senatorial district, with authority to report by bill or otherwise.

Mr. Britain moved to amend said resolution by adding thereto "and that said committee be chosen by ballot," which motion prevailed, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. McDonell,	Mr. Rumsey,
Mr. Hough,	Mr. Raynale,	Mr. President,
Mr. Manning,		

7

NAYS.

Mr. Barry,	Mr. Comstock,	Mr. Davis,
Mr. Clark,	Mr. Cooper,	Mr. Summers,

6

And the resolution, as amended, was thereupon adopted.

On canvassing the ballots, the vote stood as follows :

Mr. Davis, from the first district, received twelve votes.

Mr. Hough, from the second district, received twelve votes.

Mr. Barry, from the third district, received six votes ; Mr. Britain, from the same district, received three votes ; and Mr. Comstock three votes.

Mr. Manning, from the fifth district, received seven votes ; Mr. Clark, from the same district, five votes.

Mr. Cooper, from the fourth district, received six votes ; Mr. Rumsey, from the same district, six votes.

Mr. Davis, from the first district, Mr. Hough, from the second district, Mr. Barry, from the third district, and Mr. Manning, from the fifth district, were therefore declared elected on said committee ; and that there was a tie between Messrs. Cooper and Rumsey, from the fourth district.

On a second ballot for a member from the fourth district, Mr. Cooper received six votes and Mr. Rumsey six votes, and there was therefore declared to be still no choice for a member of the committee from the fourth district.

Upon a third ballot, Mr. Cooper received seven votes and

Mr. Rumsey five votes ; and Mr. Cooper was therefore declared elected the member of said committee from the fourth district.

And Messrs. Davis, Hough, Barry, Manning and Cooper were therefore declared chosen said committee.

On motion of Mr. Comstock,

Resolved, That the committee on the judiciary be, and they are hereby, requested to inquire into the expediency of amending "An act amendatory and in addition to 'An act to extend the time for the collection and payment of certain taxes therein named.'"

On motion of Mr. Barry,

Resolved, That the report of the Bank Commissioner, together with the accompanying documents, be referred to the select committee of five, on so much of the Governor's message as relates to the currency of the state.

Mr. Comstock gave notice that on to-morrow he should ask leave to bring in a bill to repeal the general banking law of this state, entitled "An act to authorize banking associations."

On motion of Mr. Britain,

Resolved, That the several committees, to whom have been referred certain parts of the Governor's message, be authorized to have printed any bill which they may be about to report.

And the Senate, on motion of Mr. Hough, then adjourned to ten o'clock, A. M. to-morrow.

Wednesday, June 14, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Kercheval, McKey and Moore.

Mr. Ellis presented a resolution of the board of supervisors of Monroe county, relative to the loan of a certain sum of money. Read and referred to a select committee, consisting of Messrs. Ellis, McDonell and Britain.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill explanatory and amendatory of an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20th, 1837 ;" which

bill, having been read a first and second times, was, on motion of Mr. McDonell, laid on the table and ordered to be printed.

Mr. McDonell, from the committee on elections, brought in a bill entitled "A bill amendatory to an act entitled 'An act to regulate general elections;'" which bill, having been read a first and second times, was, on motion of Mr. McDonell, committed to a committee of the whole.

Mr. Davis, from the select committee to whom had been referred so much of the Governor's message as relates to the currency of the state, brought in a bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes;" which bill, having been read a first and second times, was, on motion of Mr. Davis, committed to committee of the whole.

Mr. Ellis gave notice that on a future day he should ask leave to bring in the following bills, viz :

A bill to incorporate the Bank of the commonwealth of Michigan ;

A bill to provide for the protection of the property of the people of this state from the encroachments of corporate bodies, and for the punishment of fraudulent transactions ;

A bill relative to the township of Whiteford ;

A bill to authorize the establishment of a ferry across the mouth of the Detroit river.

The Senate, on motion of Mr. McDonell, then resolved itself into committee of the whole, Mr. Britain in the chair, on the bill entitled "A bill amendatory to an act entitled 'An act to regulate general elections;'" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, with an amendment, in which they asked the concurrence of the Senate.

The question on concurring in the amendment made in committee of the whole, being to fill the blank in section one, line five, with the words "third Monday of July," was thereupon decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Cooper,

Mr. Davis,
Mr. Manning,

Mr. Rumsey,
Mr. Summers,

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	6

The bill, on motion of Mr. Barry, was amended by striking out, section two, line two, the words, "in the last line of," and inserting "where it last occurs," in lieu thereof.

And the bill was thereupon ordered to third reading, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Rumsey,	
Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Davis,	Mr. McDonell,		8

NAYS.

Mr. Clark,	Mr. Cooper,	Mr. Raynale,	
Mr. Comstock,	Mr. Ellis,		5

Mr. Summers moved a suspension of the rule, and that the bill be now read a third time.

Mr. Clark moved that the bill be laid on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Comstock,	Mr. Raynale,	
Mr. Clark,	Mr. McDonell,		5

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Rumsey,	
Mr. Davis,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,			7

The question recurring on suspending the rules,

Mr. Britain moved that the bill be recommitted to the committee on elections, which motion did not prevail ; and the question on suspending the rule was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Summers,	
Mr. Davis,	Mr. Rumsey,		5

NAYS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,			7

On motion of Mr. Hough, the vote on ordering the bill to a third reading, was reconsidered; and the question recurring on concurring in the amendment made in committee of the whole, was decided in the negative.

And the blank, on motion of Mr. Summers, was filled with the words "fourth Monday of July."

And the bill was thereupon again ordered to a third reading.

The necessary rule, on motion of Mr. Summers, being suspended, two-thirds voting in favor thereof, the bill was thereupon read a third time.

The question being on the final passage of the bill,

Mr. Comstock moved a call of the Senate, which being sustained, there were absent, Messrs. Cooper, Kercheval, McKey, Moore.

On motion of Mr. Comstock,

Ordered, That the sergeant-at-arms be sent to invite Mr. Cooper to his seat in the Senate chamber.

The question on the final passage of the bill was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Davis,	Mr. Manning,	Mr. Summers,	9

NAYS.

Mr. Clark,	Mr. Cooper,	Mr. Raynale,	
Mr. Comstock,			4

The President announced a communication from his excellency the Governor, as a committee of the Board of Regents of the University, recommending to the legislature certain amendments to the act for the organization and support of the university of Michigan. Read, and on motion of Mr. Britain, referred to the committee on literature.

(See Senate Document No. 2.)

The Senate then resolved itself into a committee of the whole, Mr. Barry in the chair, on the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes:" and after some time spent thereon, the committee rose, and through

their chairman reported progress and asked and obtained leave to sit again.

Mr. Davis moved that the committee of the whole be discharged from the further consideration of the bill, and that the bill be re-committed to the select committee who reported the bill ; a division of the question being called for,

Mr. McDonell moved that the question on discharging the committee of the whole be laid on the table, which motion did not prevail.

Whereupon Mr. Davis withdrew his motion to discharge the committee of the whole and recommit said bill.

Mr. Clark moved that the Senate adjourn to 10 o'clock to-morrow, A. M.

Mr. Barry moved to amend by striking out " 10 o'clock, A. M. to-morrow," and inserting " 3 o'clock, P. M. this afternoon," which amendment did not prevail.

And the Senate thereupon adjourned to 10 o'clock, A. M. to-morrow.

Thursday, June 15, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Kercheval and McKey.

Mr. Davis presented the petition of William D. Robinson, of Plymouth. Read and referred to the committee on the judiciary.

Mr. Cooper presented the memorial of the president of the Palmyra and Jacksonburgh railroad company. Read and referred to the committee on finance.

Mr. Clark presented the petition of sundry inhabitants of the county of St. Clair. Read and referred to the committee on the judiciary.

Mr. Comstock presented a petition of the trustees of the Ann Arbor land company, to vacate certain streets. Read and referred to the committee on the judiciary.

Mr. Comstock, from the committee on literature, brought in a bill entitled "A bill to amend an act entitled 'An act to provide for the organization and government of the university of Michigan,' " which bill, having been read a first and second times, was, on

motion of Mr. Comstock, committed to committee of the whole ; and on motion of Mr. Ellis, was ordered to be printed.

Mr. Davis submitted a resolution in the words following :

Resolved, (the House of Representatives concurring herein,) That this legislature adjourn on the 19th inst.

Mr. McDonell moved that the resolution be laid on the table, which motion did not prevail.

Mr. Ellis moved to strike out " 19th," which motion was also lost.

The question recurring on the adoption of the resolution, the question, on motion of Mr. McDonell, was postponed until the afternoon of to-day.

The general orders of the day being in order, and the question being put on the Senate resolving itself into committee of the whole, on the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," Mr. Ellis moved that the committee of the whole be discharged from the further consideration of said bill, and that the further consideration of the same bill be postponed until the ninth day of November next ; a division of the question being called for, the question on discharging the committee of the whole, was decided in the negative.

The Senate then again resolved itself into committee of the whole, Mr. Barry in the chair, on the above bill ; and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again ; the question on granting leave being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,	
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Comstock,	Mr. McDonell,		11

NAYS.

Mr. Ellis,	Mr. Raynale,	2
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On motion of Mr. McDonell, the bill entitled "A bill explanatory and amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' " ap-

proved March 20th, 1837, was committed to committee of the whole.

The President announced a message from the Executive on executive business.

The Senate, on motion of Mr. Barry, then took a recess to 2 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit a bill entitled “An act to enable the inhabitants of the township of Orange to elect township officers, and for other purposes,” which has passed the House, and in which the concurrence of the Senate is respectfully requested.

Said bill from the House of Representatives, having been read a first and second times, was, on motion of Mr. Summers, committed to committee of the whole.

The special orders of the afternoon having been taken up, the question on the adoption of the resolution relative to the adjournment of the legislature was decided in the affirmative, and the resolution, therefore, declared adopted, being in the words following :

Resolved, (the House of Representatives concurring herein,) That the legislature adjourn on the 19th instant.

The Senate, on motion of Mr. Summers, then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bill from the House of Representatives, entitled “ A bill to enable the inhabitants of the township of Orange to elect township officers, and for other purposes ;” and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate, without amendment.

And the bill was thereupon ordered to third reading ; and the necessary rule, on motion of Mr. Summers, being suspended, the bill was thereupon read a third time and passed.

The Senate then resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again, the question on granting leave being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,		11

NAYS.

Mr. Ellis,	Mr. Raynale,	2
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On motion of Mr. Barry,

Resolved, That the committee on the judiciary be instructed to inquire if any legislative enactment be required in relation to proceedings in chancery against corporations, and to report by bill or otherwise.

Mr. Clark moved that the Senate now go into executive session.

Mr. Ellis moved a suspension of so much of the twenty-seventh rule as requires the galleries to be cleared and the doors closed, which motion did not prevail, two-thirds not voting in the affirmative, the yeas and nays being as follows:

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Raynale,	
Mr. Britain,	Mr. Cooper,	Mr. Rumsey,	
Mr. Clark,	Mr. Ellis,		8

NAYS.

Mr. Davis,	Mr. Manning,	Mr. Moore,	
Mr. Hough,	Mr. McDonell,		5

And the Senate thereupon went into executive session.

When the doors were opened,

The Senate, on motion of Mr. Moore, adjourned to 10 o'clock, A. M., to-morrow.

Friday, June 16, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Kercheval and McKey.

Mr. McDonell presented a petition of sundry citizens of Detroit, for an alteration of the charter of said city relative to fire companies. Referred to the committee on incorporations.

Mr. McDonell presented the petition of Jacob A. Barker and others, in behalf of the Maumee branch railroad company. Referred to the committee on incorporations.

Mr. Ellis presented the claim of William Hanson of Monroe, for services in support of the supremacy of the laws. Referred to the committee on claims.

Mr. Barry, from the committee on the judiciary, made the following report, viz :

The committee on the judiciary, who were instructed to inquire into the expediency of making further provision by law for filling vacancies of county officers, report :

That in the nineteenth section of an act entitled "An act to provide for the election of certain county and township officers, and for other purposes," passed March 14, 1836 ; and in the fifteenth section of an act entitled "An act to provide for the election of township and county officers in certain cases, and for other purposes," passed July 26, 1836, all necessary provision is made for filling such vacancies as have occurred or may occur.

And the committee therefore asked to be discharged from the further consideration of the subject, which was agreed to, and the committee was so discharged.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill to provide for the relief of the Palmyra and Jacksonburgh railroad company ;" which, having been read a first and second times, was, on motion of Mr. McDonell, committed to committee of the whole and ordered to be printed.

Mr. Ellis, from the select committee to whom was referred a resolution of the board of supervisors of the county of Monroe, brought in a bill entitled "A bill relative to the loan of certain sums of money ;" which, having been read a first and second

times, was, on motion of Mr. Ellis, committed to committee of the whole.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill relative to the township of Whiteford ; and Messrs. Ellis, McDonell and Hough were appointed a committee to bring in said bill.

Mr. McDonell submitted a resolution entitled "A resolution to provide for the distribution of certain laws, and for other purposes;" which, having been read a first time, was, on motion of Mr. McDonell, laid on the table.

Mr. Manning moved a suspension of the rule requiring one day's notice of intention to ask leave to introduce a bill, for the purpose of introducing a bill to amend an act entitled "An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes ;" which motion was agreed to, and the rule so suspended, two-thirds voting in favor thereof.

Mr. Manning thereupon asked and obtained leave to bring in said bill ; and Messrs. Manning, Moore and Cooper were appointed a committee for that purpose.

Mr. McDonell laid on the table a resolution entitled "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money."

The general orders of the day being in order, and the question being on the Senate resolving itself into a committee of the whole on the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes."

Mr. Ellis moved that the committee of the whole be discharged from the further consideration of said bill, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,

Mr. Raynale,

2

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Cooper,

Mr. Davis,
Mr. Hough,
Mr. Manning,

Mr. McDonell,
Mr. Moore,
Mr. Rumsey,

10

On motion of Mr. McDonell, the committee on incorporations was discharged from the further consideration of the petition of

Jacob A. Barker and others, in behalf of the Maumee branch railroad company, and the same was referred to the committee on internal improvements.

The Senate then again resolved itself into a committee of the whole, Mr. McDonell in the chair, on the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes;" and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The Senate, on motion of Mr. Davis, then took a recess to half past 2 o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. McDonell, the committee of the whole was discharged from the further consideration of the bill entitled "A bill explanatory and amendatory of an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20, 1837;" and said bill was recommitted to the committee on finance.

Mr. Britain, from the committee on internal improvements, brought in a bill entitled "A bill to authorize the Maumee branch railroad company to pass upon the Havre branch railroad in connecting with the Erie and Kalamazoo railroad," which, having been read a first and second times, was, on motion of Mr. Britain, committed to committee of the whole.

The Senate then again resolved itself into committee of the whole, Mr. McDonell in the chair, on the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," and after some time spent thereon, the committee rose, and through their chairman reported progress and asked and obtained leave to sit again.

Mr. Davis gave notice that he should on to-morrow ask leave to bring in a bill legalizing the official acts of Charles Peltier, of the city of Detroit.

Mr. Barry, from the committee on the judiciary, brought in a bill entitled "A bill to provide for proceedings in chancery against corporations," which, having been read a first and second times,

was, on motion of Mr. Barry, committed to committee of the whole, and ordered to be printed.

The President announced a message from the Executive, received through his private secretary, on executive business.

The Senate, on motion of Mr. McDonell, thereupon went into executive session.

When the doors were opened, the Senate, on motion of Mr. Cooper, adjourned to 10 o'clock, A. M., to-morrow.

Saturday, June 17, 1837.

The Senate met pursuant to adjournment.

The roll being called, there were absent, Messrs. Cooper, Kercheval and McKey.

Mr. Ellis presented the claim of the commissioners appointed by the Executive, for services in ascertaining the south-eastern boundary line of this state, as designated by a law of congress. Read and referred to the committee on claims.

Mr. Summers presented a petition relative to certain claims of Wells Waring and Orsel Dudley. Referred to the committee on claims.

Mr. Manning, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes;'" which, having been read a first and second times, was, on motion of Mr. Manning, committed to committee of the whole.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled "A bill relative to the township of Whiteford;" which, having been read a first and second times, was, on motion of Mr. Ellis, committed to committee of the whole.

Mr. Comstock, from the committee on the judiciary, brought in a bill entitled "A bill to vacate a part of the village plat of Ann Arbor;" which, having been read a first and second times, was, on motion of Mr. Comstock, committed to committee of the whole.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. **PRESIDENT**—In pursuance of the rules of the House of Representatives, I herewith transmit a bill entitled “A bill to amend an act entitled ‘An act to amend an act entitled ‘An act to organize the supreme court and establish circuit courts,’ approved July 26th, 1836 ;” which has passed the House, and in which they respectfully ask the concurrence of the Senate. I also herewith return a bill from the Senate entitled “A bill amendatory to an act entitled ‘An act to regulate general elections,’ with sundry amendments made thereto by the House, and in which they respectfully ask the concurrence of the Senate.

The bill from the House of Representatives entitled “A bill to amend an act entitled ‘An act to amend an act entitled ‘An act to amend an act to organize the supreme court and establish circuit courts,’ approved July 26, 1836,” having been read a first and second times, was, on motion of Mr. Ellis, committed to the committee on the judiciary.

The amendments by the House of Representatives to the bill entitled “A bill amendatory to an act entitled ‘An act to regulate general elections,’” having been taken up, the Senate concurred in the first and second of said amendments ; the third amendment, on motion of Mr. Ellis, was amended by striking out the word “and” after the word “occur,” in line eight, section one, and retaining the other words proposed to be stricken out by the amendment of the House of Representatives ; the fourth amendment, on motion of Mr. Hough, was amended by striking out “Monday, the 17th July next,” and inserting in lieu thereof, “Monday, the 7th day of August next, and on the following day.”

The President announced a message from the Executive, received through his private secretary, in the words following :
To the Senate :

I have this day approved and filed in the office of the Secretary of State, “An act to enable the inhabitants of the township of Orange to elect township officers, and for other purposes.”

STEVENS T. MASON.

June 17th, 1837.

Mr. Ellis gave notice that, on some future day, he should ask leave to introduce the following bills :

“A bill to repeal the charter of the Bank of Monroe;”

"A bill to prescribe the individual liabilities of the stockholders of corporate bodies."

Mr. McDonell gave notice that, on some future day, he should ask leave to bring in a bill to expedite the construction of the Detroit and Maumee railroad.

The Senate, thereupon resolved itself into committee of the whole, Mr. Ellis in the chair, on the following bills, viz: "A bill to amend an act entitled 'An act to provide for the organization and government of the university of Michigan;'" "A bill to provide for the relief of the Palmyra and Jacksonburgh railroad company;" "A bill to authorize the Maumee branch railroad company, to pass upon the Havre branch railroad in connecting with the Erie and Kalamazoo railroad;" "A bill to authorize the loan of certain sums of money;" and "A bill to amend an act entitled 'An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes;'" and after some time spent thereon, the committee rose, and through their chairman, reported back to the Senate the two first of said bills with certain amendments, in which they asked the concurrence of the Senate, the third bill without amendment, and reported progress on the two last bills, and asked and obtained leave to sit again on said last named bills.

Mr. McDonell, in pursuance of previous notice, asked and obtained leave to bring in a bill to expedite the construction of the Detroit and Maumee railroad; and Messrs McDonell, Ellis and Hough were appointed a committee to bring in said bill.

On motion of Mr. Moore, leave of absence was granted to Mr. Cooper, for to-day.

Mr. McDonell from the committee on finance, to whom had been committed the bill entitled "A bill explanatory and amendatory of an act entitled 'An act amendatory to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved March 20, 1837,'" reported the same back to the Senate, with amendments; and the bill and amendments, on motion of Mr. McDonell, were committed to committee of the whole.

And the Senate, on motion of Mr. Comstock, adjourned to half past two o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate took up the amendments made in committee of the whole to the bills entitled "A bill to amend an act entitled 'An act to provide for the organization and government of the University of Michigan;'" and "A bill to provide for the relief of the Palmyra and Jacksonburgh railroad company."

The Senate concurred in the amendment made in committee of the whole to the first of the above bills.

Mr. Ellis moved to strike out, in section one, line two, the word "chancellor," and insert "president."

Whereupon Mr. Raynale moved a call of the Senate, which being sustained, there were absent, Messrs. Clark, Kercheval, McKey, Rumsey.

Mr. McDonell moved that the sergeant-at-arms be sent for Messrs. Clark and Rumsey, which motion did not prevail.

The question on striking out in section one, line two, the word "chancellor," and inserting "president" was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Summers,	
Mr. Clark,	Mr. Raynale,		5

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,		8

Mr. Barry moved to strike out section three, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Moore,	Mr. Summers,	
Mr. Cooper,			7

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. President,	
Mr. Davis,	Mr. McDonell,		8

On motion of Mr. Hough, the third section was amended by

adding to said section as follows: "and that before the same shall be permanently established, the location shall be submitted to, and approved by the legislature."

On motion of Mr. Ellis, the fourth section was stricken out.

And the bill was thereupon ordered to third reading.

The Senate thereupon concurred in the amendment made in committee of the whole to the bill entitled "A bill to provide for the relief of the Palmyra and Jacksonburgh railroad company."

Mr. Comstock moved to amend the bill by striking out in section one, line four, the word "thirty" before "thousand," and inserting "fifteen;" a division of the question being called for, the question on striking out was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Comstock,

Mr. Manning,
Mr. Rumsey,

Mr. Summers,

5

NAYS.

Mr. Britain,
Mr. Clark,
Mr. Cooper,

Mr. Davis,
Mr. Ellis,
Mr. Hough,

Mr. McDonell,
Mr. Moore,
Mr. Raynale,

9

On motion of Mr. Barry, the bill was amended by striking out, section two, line seven, the words "as surety" and inserting "which bond shall be conditioned," and by adding to said section as follows: "and for the payment of the interest thereof, as the same shall become due;" and further amended by adding to section two as follows, viz: "and which bond and security shall be renewed by said president and directors, from time to time, when thereunto required by the Auditor General; and in case the said president and directors shall neglect or refuse for the space of twenty days, so to renew said bonds and security aforesaid, when thereunto requested, then the condition of said bond shall be deemed to be broken, and the Auditor General shall cause suit to be instituted for recovery of the penalty."

Mr. Ellis moved to strike out section three, which motion did not prevail.

Mr. Comstock moved to amend by inserting, section four, line two, after the word "credit," the words "and property," which motion did not prevail.

Mr. Ellis moved to amend by striking out section nine, which also did not prevail.

The question being on ordering the bill to third reading, Mr. Barry moved a call of the Senate, which being sustained, there were absent, Messrs. Clark, Kercheval, McKey.

And on motion of Mr. Barry, the sergeant-at-arms was sent for Mr. Clark.

The question on ordering the bill to be engrossed for third reading, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Cooper,	Mr. Hough,	Mr. Moore,	
Mr. Davis,			7

NAYS.

Mr. Barry,	Mr. Manning,	Mr. Summers,	
Mr. Clark,	Mr. Raynale,	Mr. President,	
Mr. Comstock,	Mr. Rumsey,		8

Mr. Britain moved a reconsideration of the vote just taken ; while the question was pending,

Mr. Clark moved that the Senate adjourn to ten o'clock, A. M. on Monday next, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Raynale,	
Mr. Clark,	Mr. Moore,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Ellis,	Mr. Rumsey,	
Mr. Cooper,	Mr. Hough,		8

The question on reconsidering the vote on ordering the above bill to be engrossed for third reading, was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,			10

NAYS.

Mr. Barry,	Mr. Manning,	Mr. Summers,	
Mr. Clark,			4

The question recurring on ordering the bill to be engrossed for third reading, Mr. Summers moved that the Senate adjourn to ten o'clock, A. M. on Monday next, which motion was lost, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Rumsey,	
Mr. Clark,	Mr. Raynale,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Ellis,	Mr. Moore,	
Mr. Cooper,	Mr. Hough,		8

On motion of Mr. McDonell, the question on ordering the bill to be engrossed for third reading, was postponed until Monday next.

And the Senate, on motion of Mr. Ellis, then adjourned to 10 o'clock, A. M., on Monday next.

Monday, June 19, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. McKey.

Mr. Barry, from the committee on the judiciary, to whom had been committed the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to amend an act entitled 'An act to amend an act to organize the supreme court and establish circuit courts,'" approved July 26, 1836," reported the same back to the Senate without amendment.

And the bill was thereupon ordered to third reading ; and on motion of Mr. Barry, was then read a third time and passed.

Mr. McDonell, from the select committee appointed for that purpose, brought in a bill entitled "A bill to expedite the construction of the Detroit and Maumee railroad," which bill was thereupon read a first and second times.

Mr. Barry moved that the further consideration of the bill be indefinitely postponed ; Mr. Manning moved that the bill be laid on the table ; Mr. McDonell moved to amend said motion by adding, that the bill be ordered to be printed, which amendment prevailed, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Clark,
Mr. Cooper,
Mr. Davis,

Mr. Ellis,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Moore,
Mr. Rumsey,

11

NAYS.

Mr. Barry,
Mr. Comstock,

Mr. Raynale,

Mr. Summers,

4

And the motion that the bill be laid on the table and be ordered to be printed, was agreed to.

The President announced sundry messages from the Executive, received through his private secretary, on executive business.

The President also announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit the following bills, which have passed the House, and in which the concurrence of the Senate is respectfully requested : “A bill to amend an act entitled ‘An act to provide for the organization and support of primary schools,’ ” “A bill to amend an act entitled ‘An act to establish branches of the Bank of Michigan, Farmers’ and mechanics’ bank, and Bank of River Raisin :’ ” also “A bill to amend an act entitled ‘An act to provide for the organization and government of the university of Michigan.’ ”

The bill from the House of Representatives, entitled “A bill to amend an act entitled ‘An act to provide for the organization and government of the university of Michigan,’ ” having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

The bill from the House of Representatives, entitled “A bill to amend an act entitled ‘An act to provide for the organization and support of primary schools,’ ” having been read a first and second times, was, on motion of Mr. Davis, committed to committee of the whole.

The bill from the House of Representatives, entitled “A bill to amend an act entitled ‘An act to establish branches of the Bank

of Michigan, Farmers' and mechanics' bank, and Bank of River Raisin,'” having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

Mr. Davis, in pursuance of previous notice, asked and obtained leave to bring in a bill to legalize the official acts of Charles Peltier, of the city of Detroit; and Messrs. Davis, Comstock and Manning were appointed a committee to bring in said bill.

Mr. McDonell laid on the table a resolution in the words following :

Whereas, every part and portion of Michigan cannot otherwise than be interesting to all its inhabitants; and whereas, the general improvement of the country is at all times and under all circumstances conducive to the common weal; and whereas, our sister states, New York, Pennsylvania, Ohio, Indiana, Illinois and Missouri, as well as the rapidly rising west, are co-jointly and deeply concerned in every public measure, which has in view western navigation; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators be, and they are hereby, instructed, and our representative is hereby requested, to originate, support, and advocate and maintain an appropriation from Congress towards the erection and completion of a machine or machinery, as may be necessary and requisite, to render the navigation of the river St. Clair clear of all obstructions, and to remove every perilous impediment, commencing on the flats of the lake entering into said river.

Mr. Raynale submitted the following resolution, which, on motion of Mr. Comstock, was laid on the table :

Whereas, a great and powerful party in these United States, are urging upon the attention of the American people the establishment of a great national bank, with a view to wielding the destinies of the nation, through the medium of an irresponsible moneyed power; and whereas, the evils growing out of the heavy expansions and contractions of similar institutions, have heretofore met with a merited check at the hands of the people; and whereas, all the real advantages of a just and safe medium of exchange, may be attained without the establishment of such an institution, through the medium of a fiscal arrangement to be ef-

fect on the part of the treasury department, founded upon no other basis than the absolute current receipts and expenditures of the government ; therefore,

Resolved, (the House of Representatives concurring herein,) That our senators and representative in the Congress of the United States be instructed to use their influence and their votes to prevent the establishment of a national bank ; and that copies of this resolution be forwarded by the Secretary of this State to the President of the Senate and Speaker of the House of Representatives, and to each of our senators and representative in Congress, and that the same be immediately published in the state paper.

Mr. Ellis submitted a resolution in the words following :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing the " Act to organize and regulate banking associations," and the " Act to create a fund for the benefit of the creditors of certain moneyed corporations," and of the propriety of providing by law for requiring all the existing banking institutions of this state to wind up their concerns within one or two years ; to provide at the same time for the establishment of a state bank, to be located at the seat of government, to be controlled by the state, and the profits to be applied in discharge of the current expenses of the government, with a capital not exceeding two millions of dollars, and a portion of its funds to be loaned out to the several counties, (to be by them re-loaned in small sums, and for limited periods,) at a rate of interest not exceeding five per cent. per annum, during the term of its charter ; and to report by bill or otherwise, on or before the tenth day of November next.

Mr. Clark moved that the resolution be laid on the table, which motion did not prevail. Mr. Ellis moved that the resolution be committed to committee of the whole, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. Raynale,	Mr. Summers,	3
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NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	12

And the resolution, on motion of Mr. Barry, was laid on the table.

On motion of Mr. Barry, the bill committed to committee of the whole, entitled "A bill to provide for proceedings in chancery against corporations," was made the special order of the day for to-day, the question being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	12

NAYS.

Mr. Manning,	Mr. Summers,	2
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Mr. Ellis laid the following preamble and resolution on the table:

Whereas, the banks of this state, whose affairs appear in the main to have been well managed, and which are deemed to be perfectly solvent, have, in consequence of the fluctuations in the money market, and the course adopted by most of the similar institutions of other states, suspended specie payments, in violation of the provisions of their respective charters, and to the detriment of the great public interests, by hazarding the introduction into our prosperous, flourishing and enterprising community a depreciated currency, a measure only to be justified as a matter of self-defence, and the legislature have been convened by the proclamation of the Executive to provide or devise a remedy against existing evils:

But whereas, this legislature have no constitutional control over acts and doings had under previously existing laws, farther than by the passage of laws which in their future operation shall tend to correct the recurrence of evils in time to come; and believing that existing evils have been brought upon the land by the improvidence of individuals engaged in particular branches of business, rather than by the great mass of the community; that the evil can best be corrected by prudence, caution and industry in all time to come, by the various classes of society; that it is

highly important that no inducement should be held out by special or extraordinary legislation to violate, or to continue any violation of, on the part of the banks or individuals, existing contracts or engagements, or which may be hereafter entered into, not sanctioned by law or usage; and believing that any of the privileges or immunities which may be forfeited under existing circumstances, may, with great justice and propriety, be restored to any and all institutions of this state, whose affairs may be judiciously, honestly and impartially managed, through the instrumentality of future legislative enactments: therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the legislature adjourn forthwith until the ninth day of November next.

Mr. Davis, from the select committee appointed for that purpose, brought in a bill entitled "A bill legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne;" which, having been read a first and second times, was ordered to third reading.

The necessary rule, on motion of Mr. McDonell, having been suspended, the bill was thereupon read a third time and passed.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in the following bills, viz:

"A bill to prescribe the individual liabilities of stockholders of corporate bodies;"

"A bill to repeal the charter of the Bank of Monroe."

And Messrs. Ellis, McDonell and Hough were appointed a committee to bring in said bills.

Mr. Ellis gave notice that, on a future day, he should ask leave to bring in a bill to amend an act entitled "An act to incorporate the River Raisin and Lake Erie railroad company."

The third reading of the bill entitled "A bill to amend an act entitled 'An act to provide for the organization and government of the university of Michigan,'" being in order, the bill, on motion of Mr. Ellis, was laid on the table.

The bill entitled "A bill to authorize the Maumee branch railroad company to pass upon the the Havre branch railroad in connecting with the Erie and Kalamazoo railroad," having been ordered to third reading, was, on motion of Mr. Ellis, read a third

time and passed ; the question on the final passage of the bill being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,	Mr. Summers,	15

NAYS.

0

The question on ordering to be engrossed the bill entitled "A bill to provide for the relief of the Palmyra and Jacksonburgh railroad company," coming up amongst the unfinished business of the day, the bill, on motion of Mr. Clark, was amended by striking out in section four, line four, the word "thirty" before "thousand ;" Mr. Summers moved to fill the blank with "fifteen," Mr. Rumsey with "twenty," Mr. Barry with "ten ;" the question on filling the blank with "twenty," was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	12

NAYS.

Mr. Barry,	Mr. Manning,	Mr. Summers,	3
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The bill, on motion of Mr. Ellis, was amended by inserting in section five, line three, after the word "transferred," the words "at not less than its par value."

And the bill was then ordered to be engrossed for a third reading, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. Kercheval,		11

NAYS.

Mr. Barry,	Mr. Raynale,	Mr. Summers,	
Mr. Manning,			4

The special orders of the day being in order, the Senate resolved itself into committee of the whole, Mr. Clark in the chair, on the bill entitled "A bill to provide for proceedings in chancery against corporations," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked and obtained leave to sit again.

The President announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return the joint resolution from the Senate relative to the adjournment of the legislature, with an amendment made thereto by the House, in which they respectfully request the concurrence of the Senate. I am also instructed to inform the Senate, that Messrs. Alden, Purdy and Kellogg have been appointed a committee of conference on the part of the House, upon the disagreement of the two houses upon the bill from the Senate, entitled "A bill amendatory to an act entitled 'An act to regulate general elections;'" and that they request the appointment of a similar committee on the part of the Senate. I also herewith transmit the following entitled bill, which has passed the House, and in which they respectfully ask the concurrence of the Senate. "A bill to amend an act entitled 'An act to provide for the disposition of the university and primary school lands, and for other purposes.'"

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to provide for the disposition of the university and school lands, and for other purposes,'" having been read a first and second times, was, on motion of Mr. Barry, committed to committee of the whole.

The amendment made by the House of Representatives to the resolution relative to the adjournment of the legislature, having been taken up, being to strike out "nineteenth" and insert "twenty-first," the resolution, on motion of Mr. Summers, was laid on the table, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Cooper,
Mr. Davis,

Mr. Ellis,
Mr. Hough,
Mr. Kercheval,

Mr. McDonell,
Mr. Summers,

8

NAYS.

Mr. Barry,
Mr. Clark,

Mr. Manning,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,

6

The Senate, on motion of Mr. Hough, agreed to the appointment of a committee of conference on the part of the Senate on the disagreement between the two houses on the bill entitled "A bill amendatory to an act entitled 'An act to regulate general elections;'" and Messrs. Hough, Barry and Manning were appointed said committee.

Mr. Barry moved that the Senate take a recess to two o'clock, P. M., which motion did not prevail.

And the Senate, on motion of Mr. Clark, thereupon adjourned to half past two o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The Senate again resolved itself into committee of the whole, Mr. Cooper in the chair, on the bill entitled "A bill to provide for proceedings in chancery against corporations;" and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

The Senate non-concurred in the first amendment made in committee of the whole, being to insert after the word "to," section two, line three, the words "or which may be withheld from;" and concurred in the several other amendments made in committee of the whole.

On motion of Mr. Ellis, the bill was further amended by striking out the amendment made in committee of the whole and concurred in by the Senate to section five, line five, and inserting after "due," line five, the words "or liabilities and securities held in pledge for the payment of the debts of such corporations."

And the bill was thereupon ordered to be engrossed for third reading.

On motion of Mr. McDonell, the bill entitled "A bill explanatory and amendatory of an act entitled 'An act amendatory to 'An act to provide for the assessment and collection of township and county taxes,'" approved March 20th, 1837;" with

the amendments proposed to said bill by the committee on finance, was made the special order of the day for to-morrow.

The engrossed bill entitled "A bill to provide for the relief of the Palmyra and Jacksonburgh railroad company," having been read a third time, and the question being on the final passage of the bill,

Mr. Raynale moved a call of the Senate, which being sustained, there were absent, Messrs. Barry, Clark and McKey.

On motion of Mr. Summers, the sergeant-at-arms was sent for Messrs. Barry and Clark.

The question on the final passage of the bill was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Ellis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. Kercheval,		11

NAYS.

Mr. Barry,	Mr. Raynale,	Mr. Summers,	
Mr. Manning,			4

The Senate then resolved itself into committee of the whole, Mr. Comstock in the chair, on the bills entitled "A bill relative to the loan of certain sums of money," and "A bill to amend an act entitled 'An act to provide for the purchase of the Detroit and Pontiac railroad company, and for other purposes ;'" and after some time spent thereon, the committee rose, and through their chairman reported the bills back to the Senate, with amendments, in which they asked the concurrence of the Senate.

The Senate thereupon concurred in the amendment made in committee of the whole to the first of the above named bills ; and said bill was ordered to be engrossed for third reading.

The Senate then concurred in the first amendment made in committee of the whole to the second of the above bills, being to add an additional section as section two ; and in the second amendment, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Rumsey,	8
Mr. Davis,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,	Mr. Raynale,		

NAYS.

Mr. Britain,	Mr. Cooper,	Mr. Manning,	7
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,			

Said amendment being to add an additional section as section three, in the words following :

"Sec. 3. Every stockholder of said corporation, who shall at any time from and after the taking effect of this act, transfer his or their stock in such bank, shall be held and deemed liable as such stockholder for the transactions, debts and liabilities of such bank, as fully as if no such transfer had been made, for the term of one year after the expiration of the period of such transfer."

Mr. Britain moved further to amend the bill by adding as an additional section, as follows:

"Sec. 4. This act shall not take effect until the Pontiac railroad company shall execute a bond to the Auditor General, in the penal sum of one hundred thousand dollars, conditioned for the payment of the debts and the redemption of the issues of said bank hereafter made or issued, the payment of which bond shall be secured by mortgage on unincumbered real estate."

The question on the adoption of said amendment was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	9
Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Davis,	Mr. Kercheval,	Mr. Summers,	

NAYS.

Mr. Clark,	Mr. Cooper,	Mr. Moore,	6
Mr. Comstock,	Mr. Manning,	Mr. Raynale,	

On motion of Mr. McDonell, the vote on concurring with the last amendment made in committee of the whole, was reconsidered, the question on reconsideration being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Cooper,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,		8

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Rumsey,	
Mr. Davis,	Mr. Raynale,	Mr. Summers,	
Mr. Ellis,			7

The question therefore recurring on concurring in said amendment, the bill as amended was, on motion of Mr. Raynale, laid on the table and ordered to be printed.

The Senate, on motion of Mr. Barry, took up the resolution relative to adjournment, and the question being on concurring in the amendment made by the House of Representatives, Mr. Ellis moved to amend said amendment, by striking out "twenty-first," and inserting "twenty-third," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Cooper,	Mr. Ellis,	Mr. Summers,	3
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Raynale,	12

Mr. Ellis moved to lay the resolution on the table, which was also lost, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Ellis,		2
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NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Britain,	Mr. Kercheval,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	
Mr. Davis			13

And the Senate, thereupon concurred in the amendment made by the House of Representatives to said resolution, being to strike

out "nineteenth," and insert "twenty-first," the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,
Mr. Britain,	Mr. Hough,	Mr. Raynale,
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,
Mr. Comstock,	Mr. Manning,	Mr. Summers,
Mr. Cooper,	Mr. McDonell,	

14

NAYS.

Mr. Ellis,	1
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Mr. Hough, from the committee of conference appointed this forenoon, made the following report :

The committee appointed on the part of the Senate to meet the committee appointed on the part of the House of Representatives, as a committee of conference on the disagreement of the two houses on the bill amendatory to an act entitled "An act to regulate general elections," report :

That the committee have met and unanimously agree to recommend the twenty-first and twenty-second days of August, as the proper time for the holding of the election contemplated in said bill.

On motion of Mr. Barry, the Senate concurred in said report of the committee of conference.

On motion of Mr. Barry, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to amend an act entitled 'An act to establish branches of the Bank of Michigan, Farmers' and mechanics' bank, and Bank of River Raisin,'" and said bill was ordered to third reading ; and on motion of Mr. Barry, was then read a third time."

The question on the final passage of the bill was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,
Mr. Britain,	Mr. Kercheval,	Mr. Rumsey,
Mr. Comstock,	Mr. McDonell,	Mr. Summers,

9

NAYS

Mr. Clark,	Mr. Ellis,	Mr. Manning,
Mr. Davis,	Mr. Hough,	Mr. Raynale,

6

The Chair having decided said bill not to be a two-thirds bill, Mr. Ellis appealed from the decision of the Chair; said appeal on motion of Mr. Barry, was laid on the table.

And the Senate, on motion of Mr. Clark, then adjourned until 9 o'clock, A. M. to-morrow.

Tuesday, June 20, 1837.

The Senate met pursuant to adjournment.

The roll being called there was absent, Mr. McKey.

On motion of Mr. Clark, the standing rule requiring the reading of the journal each morning, was suspended during the present session, two-thirds voting in favor thereof.

Mr. McDonell presented certain claims against the present session of the legislature. On motion of Mr. Ellis, referred to the committee on finance.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled "A bill to repeal the charter of the Monroe bank;" which, having been read a first and second times, was, on motion of Mr. Hough, committed to committee of the whole.

The President announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit the following entitled bills which have passed the House, and in which the concurrence of the Senate is respectfully requested, viz: "A bill to amend an act entitled 'An act to organize and regulate banking associations;'" and "A bill suspending for a limited time certain provisions of law, and for other purposes."

The bill from the House of Representatives entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations,'" having been read a first and second times, was committed to committee of the whole.

The bill from the House of Representatives, entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," having been read a first and second times, was, on motion of Mr. Clark, committed to committee of the whole.

And said bill, on motion of Mr. Barry, was made the special order of the day for to-day.

On motion of Mr. Hough, the committee of the whole was discharged from the further consideration of the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to provide for the organization and government of the University of Michigan.'"

On motion of Mr. Comstock, the committee of the whole was discharged from the further consideration of the bill entitled "A bill to vacate a part of the village plat of Ann Arbor."

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled "A bill prescribing the individual liabilities of stockholders in corporate bodies;" which, having been read a first and second times, was, on motion of Mr. Hough, committed to committee of the whole.

On motion of Mr. McDonell, the bill entitled "A bill to expedite the construction of the Detroit and Maumee railroad," was committed to committee of the whole.

Mr. Ellis, in pursuance of previous notice, asked and obtained leave to bring in a bill to amend "An act to incorporate the River Raisin and Lake Erie railroad company;" Messrs. Ellis, McDonell and Hough were appointed a committee to bring in said bill.

The engrossed bill entitled "A bill relative to the loan of certain sums of money," was read a third time and passed.

The engrossed bill entitled "A bill to provide for proceedings in chancery against corporations," was also read a third time and passed; the question on the final passage of the bill being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Comstock,
Mr. Cooper,

Mr. Davis,
Mr. Ellis,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Moore,
Mr. Rumsey,
Mr. Summers,

14

NAYS.

Mr. Raynale,

1

And the title, on motion of Mr. Ellis, was amended by adding thereto the words "and for other purposes."

The unfinished business of the day being in order, being on the appeal from the decision of the Chair that the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to establish branches of the Bank of Michigan, the Farmers' and mechanics' bank, and the Bank of River Raisin,'" was not a two-thirds bill, the Chair withdrew said decision, on the ground that the decision of that point, not being strictly a question of order, properly belonged to the Senate itself.

Whereupon, on motion of Mr. Clark, the vote on the final passage of said bill was reconsidered; and the question recurring on the passage of the bill, Mr. Clark moved to recommit the bill to committee of the whole, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Clark,	Mr. Ellis,	Mr. Manning,	
Mr. Davis,			4

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,	
Mr. Britain,	Mr. McDonell,	Mr. Rumsey,	
Mr. Comstock,	Mr. Kercheval,	Mr. Summers,	
Mr. Cooper,	Mr. Moore,		11

The question on the passage of the bill was decided by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Moore,	
Mr. Britain,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. McDonell,	Mr. Summers,	9

NAYS.

Mr. Clark,	Mr. Ellis,	Mr. Manning,	
Mr. Davis,	Mr. Hough,	Mr. Raynale,	6

The question was therefore put by the Chair, "Is it the opinion of the Senate that the passage of this bill requires a vote of two-thirds?" which question was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,
Mr. Clark,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Summers,

11

NAYS.

Mr. Britain,
Mr. Comstock,

Mr. Cooper,

Mr. McDonell,

4

And the bill was therefore declared lost.

On motion of Mr. Ellis, the committee of the whole was discharged from the further consideration of the bill entitled "A bill relative to the township of Whiteford."

The Senate, on motion of Mr. McDonell, took up the resolution entitled "A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money," and said resolution having been read a first and second times, was, on motion of Mr. McDonell, committed to committee of the whole.

The special orders of the day being in order, the Senate thereupon resolved itself into committee of the whole, Mr. Kercheval in the chair, on the bill from the House of Representatives, entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," and after some time spent thereon, the committee rose, and through their chairman reported progress, and asked leave to sit again, which leave was not granted.

Mr. Britain moved that the bill be committed to a committee of five, one from each senatorial district: while the question was pending, Mr. Comstock moved that the Senate adjourn to three o'clock, P. M., which motion did not prevail.

Mr. Davis moved that the Senate adjourn to two o'clock, P. M. which motion was also lost.

And the Senate, on motion of Mr. Clark, thereupon adjourned to half past two o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

In the necessary absence of the President, Mr. Davis, president pro tem. of the Senate, took the chair.

The question recurring on the motion to commit to a select committee of five, Mr. Britain withdrew said motion.

Mr. Britain moved a reconsideration of the vote on refusing to the committee of the whole leave to sit again on the bill from the House of Representatives, entitled "A bill suspending for a limited time, certain provisions of law, and for other purposes," which motion did not prevail, the yeas and nays being as follows:

YEAS.

Mr. Britain,	Mr. Hough,	Mr. McDonell,	
Mr. Davis,	Mr. Manning,	Mr. Moore,	6

NAYS.

Mr. Barry,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Ellis,	Mr. Raynale,	Mr. Summers,	6

Mr. Britain moved a call of the Senate, which being sustained, there were absent, Messrs. Clark, Comstock, Cooper, McKey.

On motion of Mr. Britain, the sergeant-at-arms was sent for the absent members now in the city.

Mr. Ellis moved a suspension of the fourth rule of the Senate, as to not allowing members to speak more than twice in any one debate without leave, which motion did not prevail, the yeas and nays being as follows:

YEAS.

Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Ellis,	Mr. McDonell,	Mr. Summers,	6

NAYS.

Mr. Barry,	Mr. Davis,	Mr. Kercheval,	
Mr. Britain,	Mr. Hough,	Mr. Rumsey,	6

Mr. Raynale moved to amend the bill by adding to section one, as follows:

"And any bank of this state availing itself of the provisions of this act, shall not be privileged to enforce the payment of the debts due said bank in specie, from any individual, firm or company, during the time of its suspension of specie payment."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,	Mr. Raynale,	Mr. Summers,	3
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NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Moore,
Mr. Rumsey,

10

Mr. Ellis moved to amend by striking out at the end of section one, the words "until the sixteenth day of May next," and inserting "until the legislature shall otherwise direct;" a division of the question being called for, the question on striking out, was decided in the negative.

Mr. Ellis moved to amend the bill by adding to section one, the following proviso:

"Provided, That the provisions of this section shall not apply to the payment or redemption of bills or notes of a less denomination than three dollars."

The question on the adoption of said amendment, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,

Mr. Raynale,

Mr. Summers,

3

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. McDonell,
Mr. Moore,
Mr. Rumsey,

10

Mr. Ellis moved to amend the bill by inserting after the word "discounted," line 4, the words "or left for collection," which motion was lost, by yeas and nays, as follows:

YEAS.

Mr. Ellis,

Mr. McDonell,

Mr. Raynale,

3

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Davis,

Mr. Hough,
Mr. Kercheval,
Mr. Manning,

Mr. Moore,
Mr. Rumsey,
Mr. Summers,

10

Mr. Ellis moved to amend the bill by adding to section one, as follows:

"But such suspension shall not apply to any bank which shall refuse to receive in payment for debts due to such bank, the bills

or notes of any other bank subject to the provisions of this act, and against which an injunction has not been granted."

Mr. Britain moved to amend said amendment by adding thereto the following proviso :

"Provided, That the provisions of this section shall not apply to any debts due from one bank to another."

Which amendment to the amendment was accepted by the mover ; and the amendment as amended was thereupon agreed to.

On motion of Mr. Britain, the bill was amended by adding to section two, a proviso in the words following :

"Provided, That this section shall not be construed to exempt the defendant from all cost of suit occurring previous to the pleading of such set-off, unless the notes so set off were tendered either by the maker or endorser of said note or draft previous to prosecution."

Mr. Manning moved to amend by striking out all of section three to the word "but," in line thirteen, and substituting in lieu thereof as follows :

"The amount of discounts and loans of the several banks of this state shall not hereafter exceed once and a half the amount of capital actually paid in and possessed."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,
Mr. Manning,

Mr. Raynale,

Mr. Summers,

4

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Clark,

Mr. Cooper,
Mr. Davis,
Mr. Kercheval,

Mr. Moore,
Mr. Rumsey,

8

Mr. Ellis moved to amend by adding to section three, as follows :

"Any director of any bank who shall violate any of the foregoing provisions, shall be deemed guilty of misdemeanor, and be subject to imprisonment for a term of time not exceeding five years, at the discretion of any court of competent jurisdiction."

Said amendment was not agreed to.

On motion of Mr. Manning, the bill was amended by inserting, section five, line three, after the word "specie," as follows:

"Or directly or indirectly purchase its own notes or bills, or the notes or bills of any other bank at a discount; or directly or indirectly knowingly furnish any person with specie, who is in the habit of purchasing bank bills at a discount with specie; or directly or indirectly send out of the state any bullion or specie; and every violation of this section shall be a forfeiture of its charter."

Mr. McDonell moved to amend by inserting an additional section in the words following:

"Every bank in this state that shall come under the provisions of this act, shall pay into the state treasury, towards defraying the expenses of government one-half of one per cent. on the amount of its capital stock, as shall appear by the Bank Commissioner's report, dated the 12th June, 1837, which tax every such bank shall pay within thirty days from and after the passage of this act; and every bank that shall fail or neglect to comply with the requirements in this section contained shall be excluded from the benefits of this act."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,

Mr. McDonell,

2

NAYS.

Mr. Barry,

Mr. Cooper,

Mr. Manning,

Mr. Britain,

Mr. Davis,

Mr. Moore,

Mr. Clark,

Mr. Hough,

Mr. Raynale,

Mr. Comstock,

Mr. Kercheval,

Mr. Rumsey,

12

Mr. Clark moved to amend by striking out the third section to the word "but," line thirteen, and inserting as follows:

"The amount of notes or bills issued and in circulation of the several banks of this state, shall not hereafter exceed the following amounts respectively:

"Those having capitals paid in of one hundred thousand dollars and upwards, a circulation of once and a half the amount of their capital: those having capitals paid in less than one hundred

thousand dollars, a circulation of twice the amount of their capital."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

0

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		14

Mr. Ellis moved to strike out, section five, line three, the words "at a premium," which motion did not prevail.

Mr. Raynale moved to amend by striking out, section five, lines four and five, the words "where he thinks the public good requires it," and inserting, after "circulation," line six, "to be approved by the Auditor General, and filed in the office of the Secretary of State," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. Raynale,	2
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NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,	
Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	12

Mr. Raynale moved to amend by striking out section seven, which motion did not prevail.

Mr. Hough moved to amend by striking out section eight, and inserting in lieu thereof as follows :

"Sec. 8. This act shall not take effect in favor of any bank not subject to the act entitled "An act to create a fund for the benefit of the creditors of certain moneyed corporations," passed March 28, 1836, unless such bank shall signify its assent to the provisions of this act and the provisions of the act last above mentioned and referred to, so far as regards the visitation of the Bank Commissioner, for the purposes specified in said act, and to ascertain their transactions in the sale of specie or bullion ; nor unless such bank

shall assent that the legislature may hereafter modify or repeal the act incorporating such bank, or any acts in amendment thereof; which said assent shall be given within twenty days, by an agreement under its corporate seal, to be deposited with the Secretary of State.

Before the question was taken, Mr. Raynale moved a call of the Senate, which was not sustained, the yeas and nays on sustaining the call being as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Davis,			7

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			7

The question on the adoption of the amendment was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Hough,	Mr. Raynale,	
Mr. Davis,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. Moore,		8

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,			7

On motion of Mr. Ellis, the bill was amended by striking out in section eight, as amended, the word "twenty" before "days;" and on motion of Mr. Kercheval, the blank was filled with the word "thirty."

Mr. Ellis moved to amend the bill by inserting in section eight after "days," as follows : "from and after the passage of this act, or from and after such bank shall commence operations;" the question on the said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. Raynale,		5

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			10

On motion of Mr. Barry, the bill was amended by inserting, section nine, line six, after the word "state," the words "or of any other state."

Mr. Ellis moved to amend by inserting in section nine, line three, after "not," the words "and has not been," which amendment, on motion of Mr. Barry, was modified by adding "since the passage of this act;" and the question on the adoption of said amendment as modified, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Raynale,	
Mr. Britain,	Mr. Ellis,		5

NAYS.

Mr. Clark,	Mr. Kercheval,	Mr. Moore,	
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,	Mr. Summers,	
Mr. Hough,			10

Mr. Ellis moved to strike out section thirteen, which motion did not prevail.

Mr. Raynale moved to strike out section ten, which motion was also lost, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Raynale,		1
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,			13

Mr. Ellis moved to amend by adding to section ten as follows: "or which shall violate any provisions of its charter not herein especially authorized," which motion did not prevail.

On motion of Mr. Barry, the bill was amended by inserting, section one, line three, after the word "state," as follows: "now in operation, and which did not refuse to pay its notes in specie during the year 1837, previous to the 15th day of May last," the question on the adoption of the amendment being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,
Mr. Britain,	Mr. Hough,	Mr. Moore,
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,
Mr. Comstock,	Mr. Manning,	Mr. Summers,
Mr. Cooper,		

13

NAYS.

Mr. Ellis,	Mr. Raynale,
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2

Mr. Manning moved to amend by adding to section eight, as follows:

"And all banks under an act entitled 'An act to organize and regulate banking associations,' to which the capital stock shall have been subscribed at the passage of this act, shall have ten days to comply with the provisions of this section, after they have commenced operation."

While the question was pending,

The Senate, on motion of Mr. Hough, adjourned to 9 o'clock, A. M., to-morrow.

Wednesday, June 21, 1837.

The Senate met pursuant to adjournment.

The roll being called, there was absent, Mr. McKey.

Mr. Ellis, from the select committee appointed for that purpose, brought in a bill entitled "A bill to amend an act entitled 'An act to incorporate the River Raisin and Lake Erie railroad company,'" which, having been read a first and second times, was, on motion of Mr. Ellis, ordered to be engrossed for third reading.

The President announced a message from the Executive, received through his private secretary, on executive business.

The President also announced a message from the House of Representatives, received through their clerk, in the words following:

Mr. President—In pursuance of the rules of the House of Representatives, I herewith transmit the following entitled bills, which have passed the House, and in which the concurrence of the Senate is respectfully requested, viz: "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26th, 1836;" and "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple river, in the county of Ionia,' approved February 16th, 1837."

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836," having been read a first and second times, was, on motion of Mr. Hough, ordered to third reading.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish a state road from Dexter, in the county of Washtenaw, to Lyons, at the mouth of the Maple river, in the county of Ionia,' approved February 16, 1837," having been read a first and second times, was, on motion of Mr. Hough, ordered to third reading.

The Senate, on motion of Mr. Hough, took up the bill from the House of Representatives entitled "A bill to amend an act entitled 'An act to provide for the organization and government of the university of Michigan.'"

Mr. Barry moved to amend the bill by striking out in section three, the words "without the further action of the legislature, in the several counties of this state, under the regulations and restrictions in said act recited," and inserting in lieu thereof, as follows: "at their discretion: Provided, That no more than one branch be established in any one organized county of this state, and that before the same shall be permanently established, the location thereof shall be submitted to and approved by the legislature."

Mr. Barry moved a call of the Senate, which being sustained, there were absent, Messrs. Clark, Davis and McKey.

And on motion of Mr. Barry, the sergeant-at-arms was sent for Messrs. Clark and Davis.

A division of the question being called for, the question on striking out as above, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Moore,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Manning,	
Mr. Comstock,	Mr. Hough,	Mr. McDonell,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

And the bill was thereupon ordered to third reading, and on motion of Mr. Comstock, was then read a third time and passed, the question on the passage of the bill being decided in the affirmative, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. Manning,	
Mr. Comstock,	Mr. Hough,	Mr. McDonell,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Moore,	Mr. Summers,	6

The Senate, on motion of Mr. Ellis, took up the bill entitled "A bill relative to the township of Whiteford;" and said bill having been ordered to third reading, was thereupon read a third time, and a blank in said bill having been filled, the bill passed.

Mr. Comstock moved a suspension of the daily order of business, for the purpose of taking up the bill entitled "A bill to vacate a part of the village plat of Ann Arbor," which motion prevailed, two-thirds voting in favor thereof.

And the bill having thereupon been ordered to third reading, was read a third time and passed.

Mr. McDonell, from the committee on finance, brought in a bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday in June, 1837;" which, having been read a first and second times, was

on motion of Mr. Rumsey, committed to committee of the whole.

Mr. Comstock, by consent, asked and obtained leave to bring in a bill to amend "An act to provide for the construction of certain works of internal improvement, and for other purposes;" and Messrs. Comstock, Davis and Moore were appointed a committee to bring in said bill.

Mr. Comstock, from said committee, brought in a bill entitled "A bill to amend an act entitled 'An act to provide for the construction of certain works of internal improvement, and for other purposes;'" which, having been read a first and second times, was ordered to third reading.

And the bill, on motion of Mr. McDonell, was laid on the table until this afternoon.

The unfinished business of the day being in order, and the question being on the amendment yesterday offered by Mr. Manning to section eight, of the bill from the House of Representatives, entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,		5

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Raynale,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	9

On motion of Mr. Britain, the bill was amended by inserting the following as an additional section, to stand as section twelve :

"Sec. 12. Every bank which may hereafter commence operations, previous to the 16th May, 1838, shall be entitled to the provisions of this act : Provided, That the amount of bills and notes which any one of said banks may have in circulation shall not exceed once and a half the amount of specie paid in and actually contained in the vaults of said bank ; and provided further, That nothing in this act contained shall be construed to require said banks to receive in payment of debts, the bills or notes of any of

the banks in existence, or to require any of the banks now in operation, to receive in payment of debts the bills or notes of any bank which may hereafter go into operation, any thing in this law contained to the contrary notwithstanding."

The question on the adoption of said amendment, was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Moore,	13
Mr. Clark,	Mr. Kercheval,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,			

NAYS.

Mr. Barry,	Mr. Comstock,	2
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Mr. Barry moved a reconsideration of the vote by which was adopted as a substitute for section eight, the amendment yesterday offered by Mr. Hough, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. Kercheval,	7
Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,			

NAYS.

Mr. Clark,	Mr. Manning,	Mr. Rumsey,	8
Mr. Ellis,	Mr. Moore,	Mr. Summers,	
Mr. Hough,	Mr. Raynale,		

On motion of Mr. Britain, the vote by which was adopted the first amendment made to section one, was reconsidered, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	8
Mr. Britain,	Mr. Davis,	Mr. Rumsey,	
Mr. Comstock	Mr. Kercheval,		

NAYS.

Mr. Clark,	Mr. Manning,	Mr. Raynale,	6
Mr. Ellis,	Mr. Moore,	Mr. Summers,	

The question thereupon recurring on the adoption of said amendment, Mr. Ellis moved to amend the amendment, by adding there-

to as follows: "any further than to compel one bank having a balance due from any other bank to receive in payment of such balance, the bills or notes of any other bank, subject to the provisions of this act, except the bills of the bank owing such balances."

The question on the adoption of said amendment to the amendment, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Clark,	Mr. Ellis,	Mr. Raynale,	3
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. Manning,		11

The question on the adoption of the first amendment previously made to section one, was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Ellis,	Mr. Manning,	Mr. Summers,	6

NAYS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	9

Mr. Clark moved that the Senate adjourn to 2 o'clock, P. M., which motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. Raynale,		5

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			10

Mr. Comstock moved that the Senate adjourn to half past 2 o'clock, P. M., which motion did not prevail.

Mr. Kercheval moved that the Senate adjourn to 2 o'clock, P. M., which motion was also lost.

On motion of Mr. Ellis, the bill was amended by adding as an additional section, as follows :

“ Sec. . The notes or bills of all banks of this state, subject to the provisions of this act, and against which an injunction has not been granted, shall, until the legislature shall otherwise direct, be received at their full face and value, in payment of all taxes, dues and demands of whatever nature, due and becoming due to the state,”

The question, on the adoption of said amendment being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Ellis,	Mr. Raynale,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,	Mr. Moore,		8

NAYS.

Mr. Barry,	Mr. Hough,	Mr. McDonell,	
Mr. Davis,	Mr. Kercheval,	Mr. Rumsey,	6

Mr. Summers moved that the Senate adjourn to half past 2 o'clock, P. M., which motion did not prevail.

Mr. Summers moved that the Senate adjourn to 2 o'clock, P. M., which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. Raynale,		5

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			10

Mr. Ellis moved to amend the bill by adding an additional section, in the words following :

“ Sec. . Any bank which shall sell or dispose of any note discounted by or made payable at such bank, to any other bank, or to any individual, firm or company, for the purpose of evading the provisions of this act, or with a view of enforcing the collection of such note, so discounted or made payable in other funds than the bills of such bank, shall be deemed to have forfeited its

charter, and its concerns shall be forthwith wound up: **Provided**, that the provisions of this section shall not apply to any bank which shall be established under the provisions of the act to organize and regulate banking associations."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Ellis,	Mr. Summers	
Mr. Cooper,	Mr. Raynale,		5

NAYS.

Mr. Barry,	Mr. Hough,	Mr. McDonell,	
Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,			10

Mr. Ellis moved to amend by adding an additional section, in the words following :

"Sec. . Any bank which shall exchange, either directly or indirectly, its notes or bills, with any bank, individual, firm or company, of any other state, province or kingdom, shall be deemed to have violated its charter."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. Raynale,	2
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Cooper,			13

Mr. Ellis moved to amend by adding an additional section in the words following :

"Sec. . Every bank accepting of the provisions of this act, shall be required to cause their notes or bills to be received at par, at one or more of the solvent banks in the city of New York."

The question on the adoption of said amendment, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. Raynale,	Mr. Summers,	3
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NAYS.

Mr. Barry,	Mr. Cooper,	Mr. Manning,
Mr. Britain,	Mr. Davis,	Mr. McDonell,
Mr. Clark,	Mr. Hough,	Mr. Moore,
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,
		12

Mr. Ellis moved to amend by adding an additional section in the words following :

"Sec. . No bank, during its suspension of specie payments shall be allowed, upon the pain of the forfeiture of its charter, from issuing any bill or note, unless the redemption of the same shall be secured by bonds and mortgages upon real estate, to the satisfaction of the Auditor General, and to be lodged with the Secretary of State."

The question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Ellis,	Mr. Raynale,	2
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,
Mr. Britain,	Mr. Hough,	Mr. Moore,
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,
Mr. Comstock,	Mr. Manning,	Mr. Summers,
Mr. Cooper,		13

Mr. Britain moved to amend the bill by striking out from section three, line two, to the word "but" in line thirteen, and inserting as follows : " those having capitals of fifty thousand or less, one and three-fourths ; one hundred thousand or less, one and a half ; two hundred thousand or less, one and one-fourth ; three hundred thousand or less, one, the amount of capital paid in."

A division of the question being called for, the question on striking out was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Comstock,	Mr. McDonell,
Mr. Clark,	Mr. Davis,	Mr. Summers,
		6

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,
Mr. Ellis,	Mr. Manning,	Mr. Rumsey,
		9

On motion of Mr. Barry, the bill was amended by inserting, in section three, line four, after "thirty thousand dollars," as follows: "those having capitals paid in to the amount of thirty thousand dollars, a circulation of forty-five thousand dollars."

On motion of Mr. Britain, the bill was amended by striking out in section eleven, (printed bill,) the words "third and," the question being decided by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Hough,	
Mr. Britain,	Mr. Cooper,	Mr. Kercheval,	
Mr. Clark,	Mr. Davis,	Mr. McDonell,	9

NAYS.

Mr. Ellis,	Mr. Raynale,	Mr. Summers,	
Mr. Manning,	Mr. Rumsey,		5

Mr. Ellis, by consent of the Senate, reported as correctly enrolled, the bill entitled "An act to authorize the Maumee branch railroad company to pass upon the Havre branch railroad in connecting with the Erie and Kalamazoo railroad," which bill was thereafter this day presented to the Governor for his signature.

Mr. Ellis moved to strike out section nineteen, (printed bill,) which motion did not prevail.

And the bill, on motion of Mr. Hough, was thereupon ordered to third reading.

Mr. Manning moved that the Senate adjourn to half past two o'clock, P. M., which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Clark,	Mr. Cooper,	Mr. Manning,	
Mr. Comstock,	Mr. Ellis,	Mr. Summers,	6

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Moore,	
Mr. Britain,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	9

And the bill was thereupon read a third time.

On motion of Mr. Britain, seconded by a majority, the bill was amended by striking out the second proviso to the amendment adopted as section twelve.

And on motion of Mr. Britain, seconded by a majority, the bill was further amended by striking out in the amendment adopted as section thirteen, the words "dues and demands of whatever nature."

The question on the final passage of the bill was decided by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,
Mr. Clark,	Mr. Manning,	Mr. Summers,

The question was thereupon put by the Chair—"Is a vote of two-thirds requisite for the passage of this bill?" While the question was pending,

Mr. Clark moved that the Senate adjourn to three o'clock, P. M., which motion did not prevail.

And the Senate, on motion of Mr. Hough, adjourned to half past two o'clock, P. M. the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Manning,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Davis,			10

NAYS.

Mr. Comstock,	Mr. McDonell,	Mr. Summers,	
Mr. Cooper,	Mr. Moore,		5

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

On motion of Mr. Manning, the members absent the first few days of the session were excused for non-attendance.

The President announced a message from the Executive, received through his private secretary, on executive business, and also a message in the words following :

To the Senate :

I have this day approved and filed in the office of the Secre-

tary of State, "An act to amend an act entitled 'An act to amend an act to organize the supreme court and establish circuit courts,' approved July 26, 1836;" and "An act to amend an act entitled 'An act to provide for the organization and government of the university of Michigan.'"

STEVENS T. MASON.

June 21st, 1837.

The President also announced messages from the House of Representatives, received through their clerk, as follows :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return the bill entitled "A bill amendatory to an act entitled 'An act to regulate general elections,'" with the amendment made by the committee of conference on the the disagreement of the two houses on said bill, which amendment has been concurred in by the House. I also herewith return without amendment the bill from the Senate entitled "A bill to authorize the Maumee branch railroad company to pass upon the Havre branch railroad in connecting with the Erie and Kalamazoo railroad " I also herewith return, with sundry amendments made by the House, in which they respectfully ask the concurrence of the Senate, the bill from the Senate entitled "A bill for the relief of the Palmyra and Jacksonburgh railroad company." I also herewith transmit the following entitled bills: "An act to amend an act entitled 'An act concerning mortgages,'" "An act amendatory to an act entitled "An act to authorize the board of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24, 1836," which have passed the House, and in which they respectfully ask the concurrence of the Senate. I also herewith return a bill from the Senate entitled "A bill relative to the loan of certain sums of money," with sundry amendments made by the House of Representatives, in which they ask the concurrence of the Senate. I also herewith transmit a bill entitled "A bill for the relief of Andrew Backus;" which has passed the House, and in which they respectfully ask the concurrence of the Senate.

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit the following bills and resolution, which have passed the House, and in which they respectfully ask

the concurrence of the Senate : "A bill to provide for the construction of a bridge over Conner's creek on the extension of Jefferson avenue, and for other purposes ;" "A bill to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved, March 20, 1837 ;" "A bill to authorize certain counties therein named to borrow certain sums of money ;" and "A resolution relative to the capitol." I also herewith return without amendment, the following entitled bills from the Senate, viz : "A bill to vacate a part of the village plat of Ann Arbor ;" and "A bill to provide for proceedings in chancery against corporations, and for other purposes."

The Senate, on motion of Mr. McDonell, took up the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act amendatory and in addition to an act entitled 'An act to provide for the assessment and collection of township and county taxes,' approved, March 20, 1837," and said bill was read a first and second times.

The bill, on motion of Mr. McDonell, was amended by adding to said bill three additional sections, to stand as section four, five and six, in the words following :

"Sec. 4. That the third section of the act entitled "An act to amend an act amendatory to the act herein recited and to provide for defraying the public and necessary charges for state, county and township purposes," approved, March 21, 1837 ; shall be so construed as to require and make it the duty of every county treasurer in the said several counties to pay the said tax in said section specified into the state treasury, within sixty days, as by law now directed.

"Sec. 5. The provisions of the fifth section of the act to which this is explanatory and amendatory, requiring sheriffs and county clerks of the several counties to give additional bonds to the auditor General, shall be extended to the space of sixty days from and after the passage of this act, to all such sheriffs and county clerks as may have made punctual returns and paid over all public moneys in their hands, as directed by law, and where no sheriff or clerk shall have been elected to fill any vacancy that may have occurred. The provisions of this section, and the subsequent section,

shall be, and the same are hereby, made applicable to all sheriffs and county clerks now in office or which may be hereafter elected to office.

"Sec. 6. Every election which shall have already been held to fill any vacancy that may have occurred in the office of sheriff or county clerk, as directed by the act to which this is explanatory and amendatory, shall be held good and valid in law, so far as regards all matters of form."

Mr. Hough moved to amend the bill by adding to section two, as follows:

"And as soon as the assessment roll shall have been completed, it shall be the duty of the commissioners of highways in such townships to meet at such place as they shall appoint, and shall proceed to apportion the necessary amount of highway labor to be done in such township, as near as may be in accordance with the provisions of the existing laws regulating highways."

Mr. Barry moved that the bill and amendments be laid on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Rumsey,	
Mr. Clark,	Mr. Davis,	Mr. Summers,	6

NAYS.

Mr. Britain,	Mr. Hough,	Mr. McDonell,	
Mr. Cooper,	Mr. Kercheval,	Mr. Moore,	
Mr. Ellis,	Mr. Manning,	Mr. Raynale,	9

And the above amendment was thereupon adopted.

The bill, on motion of Mr. Ellis, was amended, by inserting after the word "made," section two, line one, the words "in pursuance of law."

And the bill was thereupon ordered to third reading; and the necessary rule being suspended, the bill was then read a third time.

Mr. Summers moved to strike out section six, which motion not being seconded by a majority, was not received for discussion.

Mr. Summers moved that the bill be committed to committee of the whole, which motion did not prevail.

And the question on the final passage of the bill was thereupon decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Raynale,	
Mr. Davis,	Mr. Manning,		11

NAYS.

Mr. Barry,	Mr. Rumsey,	Mr. Summers,	3
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Mr. Ellis, from the committee on enrolment, reported as correctly enrolled a bill entitled "An act to vacate a part of the village plat of Ann Arbor."

Mr. Barry, from the same committee, reported as correctly enrolled, the bill entitled "An act to provide for proceedings in chancery against corporations, and for other purposes;" which bills were thereafter this day presented to the Governor for his signature.

The unfinished business of the forenoon, being the question whether the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," was a two-thirds bill, having been taken up,

Mr. Cooper moved a call of the Senate, which being sustained, there was absent, Messrs. Clark and McKey; and on motion of Mr. Cooper, the sergeant-at-arms was sent for Mr. Clark.

The question on the above bill being a two-thirds bill, was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. Moore,		8

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			7

While the yeas and nays on the above question were being called, Mr. Moore moved that Mr. Summers be excused from voting, which was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Britain,
Mr. Davis,
Mr. Kercheval,

Mr. McDonell,
Mr. Moore,

Mr. Rumsey,
Mr. Summers,

7

NAYS.

Mr. Barry,
Mr. Clark,
Mr. Comstock,

Mr. Cooper,
Mr. Ellis,
Mr. Hough,

Mr. Manning,
Mr. Raynale,

8

The Senate having decided that the bill was a two-thirds bill, the Chair therefore declared the above bill to have been lost on its final passage.

On motion of Mr. Comstock, the vote on the final passage of the bill was reconsidered.

The question recurring on the final passage of the bill, Mr. Comstock moved that the bill be committed to a select committee of five, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,
Mr. Comstock,

Mr. Cooper,

Mr. Kercheval,

4

NAYS.

Mr. Barry,
Mr. Britain,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. Manning,
Mr. McDonell,
Mr. Moore,

Mr. Raynale,
Mr. Rumsey,
Mr. Summers,

11

Mr. Davis moved that the bill be committed to a select committee of three, with instructions to strike out the eighth section of the bill as adopted by the Senate, and insert the eighth section as received from the House of Representatives ; Mr. Barry moved to amend said motion by adding, and to strike out the amendment adopted as section twelve by the Senate ; the question on said amendment was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Comstock,
Mr. Cooper,

Mr. Ellis,
Mr. McDonell,

Mr. Moore,
Mr. Summers,

7

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Davis,	Mr. Manning,		8

The question recurring on the motion to commit with instructions, and a division being called for, Mr. Davis, withdrew the motion.

Mr. Hough moved a reconsideration of the vote on the bill, being a two-thirds bill, which motion prevailed, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			10

NAYS.

Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. Raynale,		5

The question on the bill requiring a vote of two-thirds, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,		5

NAYS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

Mr. Summers, on motion of Mr. Barry, having been excused from voting on the above question : and the Chair therefore announced that the Senate had decided said bill not to be a two-thirds bill.

And the question on the final passage of the bill was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Davis,	Mr. McDonell,	
Mr. Comstock,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Kercheval,	Mr. Rumsey,	9

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,	Mr. Summers,	6

The Senate thereupon took up and concurred in the amendments made by the House of Representatives, to the bill entitled "A bill to provide for the relief of the Palmyra and Jacksonburgh railroad company."

The President announced a message from the Executive, on executive business, and also a message in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : "An act to provide for proceedings in chancery against corporations, and for other purposes ;" "An act to vacate a part of the village plat of Ann Arbor;" and "An act to authorize the Maumee branch railroad company to pass upon the Havre branch railroad in connecting with the Erie and Kalamazoo railroad."

STEVENS T. MASON.

June 21, 1837.

The President also announced a message from the House of Representatives, received through their clerk, in the words following :

MR. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit a bill which has passed the House, and in which they respectfully ask the concurrence of the Senate, entitled "An act appointing commissioners to lay out and establish certain state roads."

The bill from the House of Representatives, entitled "A bill to authorize certain counties to borrow certain sums of money therein named, for the purpose of erecting county buildings," having been taken up and read a first and second times, was, on motion of Mr. Barry, laid on the table.

And the Senate, on motion of Mr. Barry, thereupon went into consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. McDonell, took up the resolution entitled "A resolution to provide for the distribution of certain laws, and for other purposes;" and said resolution having been read a second time and ordered to third reading, was thereupon read a third time and adopted.

Mr. Hough laid the following resolution on the table :

Resolved by the Senate, (the House of Representatives concurring herein,) That the resolution of the two houses fixing the 21st instant as the day for the adjournment of the legislature, be, and the same is hereby, rescinded, and the legislature will adjourn on the 22d instant.

The Senate, on motion of Mr. Barry, then resolved itself into committee of the whole, Mr. Manning in the chair, on the bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate with sundry amendments, in which they asked the concurrence of the Senate.

And the Senate thereupon concurred in the several amendments made in committee of the whole, with the exception of the two last amendments.

The question on concurring in the second last amendment, being in these words: "to William Hanson, twenty-four dollars, for services in supporting the supremacy of the laws," was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Ellis,	Mr. Moore,	
Mr. Clark,	Mr. Hough,	Mr. Summers,	
Mr. Comstock,	Mr. Manning,		11

NAYS.

Mr. Davis,	Mr. Raynale,	Mr. Rumsey,	
Mr. Kercheval,			4

And the last amendment was thereupon also concurred in.

Mr. Summers moved to amend the bill by inserting in section three, as follows: "to Wells Waring, for services as colonel, sixty-five dollars, and Orville Dudley, for services as major, forty dollars, in supporting the supremacy of the laws;" the question on the adoption of said amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Ellis,	Mr. Summers,		2
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NAYS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,
Mr. Britain,	Mr. Hough,	Mr. Moore,
Mr. Clark,	Mr. Kercheval,	Mr. Raynale,
Mr. Comstock,	Mr. Manning,	Mr. Rumsey,
Mr. Cooper,		

13

And the bill was thereupon ordered to be engrossed for third reading.

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the bill entitled "An act amendatory to an act entitled 'An act to regulate general elections.'"

The President announced a message from the House of Representatives, by their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit "A resolution relative to the adjournment," which has passed the House, and in which the concurrence of the Senate is respectfully requested.

The question being on the adoption of the resolution, in the words following :

Resolved by the Senate and House of Representatives, That the joint resolution for adjourning on the twenty-first instant be, and the same is hereby rescinded, and that this legislature will adjourn on the twenty-second instant.

Mr. Rumsey moved to lay the resolution on the table, which motion did not prevail, and the resolution was thereupon concurred in by the Senate.

And the Senate, on motion of Mr. Clark, adjourned to nine o'clock, A. M., to-morrow.

Thursday, June 22, 1837.

The Senate met pursuant to adjournment.

In the absence of the President, Mr. Davis, president pro tem., took the chair.

Mr. McDonell presented a petition of sundry citizens of Detroit, and a memorial of the common council of said city, against granting to the commissioners of internal improvement authority to alter the route of the Detroit and St. Joseph railroad. Laid on the table.

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House, I herewith transmit the bill entitled “ A bill to amend an act entitled ‘ An act amendatory and in addition to an act entitled ‘ An act to provide for the assessment and collection of township and county taxes,’ approved March 20, 1837,” with the amendments made thereto by the Senate, in all of which the House have concurred, except the third amendment, which was non-concurred in.

The Senate, on motion of Mr. Hough, thereupon receded from the above amendment which had been non-concurred in by the House of Representatives.

Mr. Summers moved that Mr. McKey be excused for non-attendance up to yesterday. Mr. Hough moved to amend by striking out “up to yesterday” and inserting “from Monday last,” which motion did not prevail ; and the original motion was thereupon agreed to

On motion of Mr. McDonell, the “ Resolution relative to an appropriation from Congress for improving the navigation of Lake St. Clair,” was committed to committee of the whole.

On motion of Mr. Raynale, the “ resolution requiring our representative in the Congress of the United States, to vote against a national bank,” was made the special order of the day for to-day.

On motion of Mr. Hough, the committee of the whole were discharged from the further consideration of the resolution entitled “A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money.”

Said resolution, on motion of Mr. McDonell, was amended by inserting after “ agent,” the words “ of the legislature ;” and on motion of Mr. Barry, by adding thereto, the following proviso :

“ Provided, That before the said fiscal agent shall advance the said sum of one thousand dollars to said John S. Bagg, he shall produce to said fiscal agent satisfactory evidence that he has completed the printing of so much of the laws and journals as will amount to that sum.”

The blank in said resolution, on motion of Mr. Hough, having

been filled with the words "one thousand;" the resolution as amended was adopted.

The engrossed bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," being on third reading, the bill, on motion of Mr. McDonell, was amended by striking out in section three, line five, the words "forty-seven dollars and fourteen cents," and inserting "fifty-seven dollars and twenty-six cents," was read a third time and passed, the question on the passage of the bill being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Clark,
Mr. Davis,
Mr. Cooper,

Mr. Ellis,
Mr. Hough,
Mr. Kercheval,
Mr. Manning,
Mr. McDonell,

Mr. McKey,
Mr. Raynale,
Mr. Rumsey,
Mr. Summers,

14

NAYS.

0

Mr. Ellis submitted a joint resolution in the words following :

Resolved by the Senate (the House of Representatives concurring herein,) That our senators in the Congress of the United States be instructed, and our representative requested, to support a law repealing the act providing for the distribution of the surplus revenue among the several states of the Union, so far as regards the instalments to be paid after the first day of July next.

The resolution, on motion of Mr. Hough, was laid on the table.

Mr. Barry submitted a joint resolution in the words following :

Resolved by the Senate and House of Representatives, That the resolution passed at the last session, authorizing and requiring the legislature of this state to meet on the ninth day of November next, be, and the same is hereby, rescinded, and that when the legislature now in session adjourn, that they adjourn without day.

Mr. Raynale moved that the resolution be laid on the table, which motion did not prevail, the question being lost, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. Moore,	Mr. Summers,	
Mr. Davis,	Mr. Raynale,		8

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. McKey,	
Mr. Comstock,	Mr. Manning,		8

And the question on the adoption of the resolution was decided in the negative, the yeas and nays being as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McDonell,	
Mr. Clark,	Mr. Kercheval,	Mr. McKey,	
Mr. Comstock,	Mr. Manning,		8

NAYS.

Mr. Britain,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. Moore,	Mr. Summers,	
Mr. Davis,	Mr. Raynale,		8

The President pro tem. announced a message from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith transmit the bill entitled "A bill suspending for a limited time certain provisions of law, and for other purposes," with the amendments made by the Senate thereto, with sundry amendments made by the House to the fourth and fifth amendments of the Senate, and inform the Senate that the House non-concurred in the first and seventh amendments made by the Senate, and have concurred in the second, third, sixth and eighth amendments made by the Senate.

I also herewith return, with an amendment, the bill from the Senate, entitled "A bill legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne," in which the concurrence of the Senate is respectfully requested. I also herewith transmit a resolution relative to certain state officers, which has passed the House, and in which the concurrence of the Senate is respectfully requested.

The Senate thereupon took up the amendments made by the House of Representatives to the amendments of the Senate to the

bill from the House of Representatives, entitled "A bill suspending for a limited time certain provisions of law, and for other purposes."

And the Senate, on motion of Mr. Ellis, receded from the amendment to the first section of the bill, which had been non-concurred in by the House, the question on receding being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Britain,	Mr. Ellis,	Mr. McKey,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McDonell,		11

NAYS.

Mr. Barry,	Mr. Moore,	Mr. Summers,	
Mr. Clark,			4

The Senate thereupon also concurred in the amendments to the fourth and fifth amendments of the Senate, the question on concurring in the last of said amendments being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Cooper,	Mr. McDonell,	
Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	9

NAYS.

Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Ellis,	Mr. McKey,	Mr. Summers,	
Mr. Hough,			7

The question on receding from the seventh amendment, which had been non-concurred in by the House, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. Cooper,	3
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NAYS.

Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Davis,	Mr. McDonell,	Mr. Rumsey,	
Mr. Ellis,	Mr. McKey,	Mr. Summers,	
Mr. Hough,			13

The Senate took up and concurred in the amendment by the House of Representatives to the bill entitled "A bill to legalize the official acts of Charles Peltier, deputy clerk of the county of Wayne."

The resolution from the House of Representatives, entitled "A resolution relative to certain state officers," having been read, was, on motion of Mr. Ellis, amended by adding thereto as follows:

"Unless the said officers shall furnish office-room at some other suitable place within the city of Detroit, at their own expense."

And the resolution, as amended, was thereupon concurred in by the Senate.

On motion of Mr. Hough, the committee of the whole were discharged from the further consideration of the bills from the House of Representatives, entitled "A bill to amend an act entitled 'An act to provide for the support of primary schools;'" and "A bill to amend an act entitled 'An act to provide for the disposition of the university and school lands, and for other purposes;'" and the Senate thereupon proceeded to the consideration of said bills.

The bill entitled "A bill to amend an act entitled 'An act to provide for the disposition of the university and school lands, and for other purposes,'" having been taken up, Mr. Comstock moved to amend the bill by striking out in section one, the word "one-tenth," and inserting "one-sixth," which motion did not prevail.

And the bill was thereupon ordered to third reading, and was then read a third time and passed.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to provide for the organization and support of primary schools,'" was thereupon ordered to third reading, and was then read a third time and passed.

The bill from the House of Representatives, ordered to third reading, entitled "A bill to amend an act entitled 'An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836," was read a third time and passed.

The bill from the House of Representatives, ordered to third reading, entitled "An act appointing commissioners to lay out

and establish a state road from Dexter in the county of Washenaw, to Lyons at the mouth of Maple river in the county of Ionia," approved February 16, 1837, was read a third time and passed.

The President pro tem. announced a message received from the House of Representatives, through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return without amendment the following entitled resolutions : " A resolution to authorize the fiscal agent to advance to John S. Baggs a certain sum of money," and " A resolution to provide for the distribution of certain laws, and for other purposes."

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I am instructed to inform the Senate that the House have concurred in the seventh amendment made by the Senate to the bill entitled " A bill suspending for a limited time certain provisions of law, and for other purposes ;" and that said bill has passed.

The President pro tem. also announced a message from the Executive, received through his private secretary, on executive business ; also a message in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State " An act amendatory to an act entitled ' An act to regulate general elections.' "

STEVENS T. MASON.

June 22, 1837.

Mr. Rumsey, from the committee on enrolment, reported as correctly enrolled, bills entitled as follows : " An act to provide for the relief of the Palmyra and Jacksonburgh railroad company," and " An act legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne."

The Senate, on motion of Mr. Britain, took up the bill from the House of Representatives, entitled " A bill to amend an act entitled ' An act concerning mortgages,' approved April 19, 1833."

Said bill was thereupon read a first and second times, and committed to committee of the whole.

And the Senate, on motion of Mr. Comstock, thereupon resolved itself into a committee of the whole, Mr. Kercheval in the chair, on said bill; and after some time spent thereon, the committee rose, and through their chairman reported the bill back to the Senate without amendment.

The bill, on motion of Mr. Barry, was amended by inserting in section one, line two, after the word "heretofore," the words "or hereafter," the question on so amending being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. Moore,	
Mr. Britain,	Mr. Manning,	Mr. Raynale,	
Mr. Clark,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,	Mr. McKey,	Mr. Summers,	12

NAYS.

Mr. Comstock,	Mr. Hough,	Mr. Kercheval,	
Mr. Cooper,			4

The bill, on motion of Mr. Barry, was further amended by inserting in section one, line twelve, after the words "per centum," the words "per annum."

On motion of Mr. Ellis, the bill was further amended by striking out before the word "hereafter" the words "heretofore or," in section one, line two, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Hough,	Mr. McKey,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. McDonell,		11

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Raynale,	
Mr. Cooper,	Mr. Moore,		5

Mr. Ellis moved to amend by inserting as an additional section, as follows :

"Sec. . In any suit prosecuted prior to the sixteenth day of May next, for the non-payment of debts, obligations or contracts heretofore entered into, or to be entered into prior to the said period, no cost shall be recoverable by the party prosecuting : Pro-

vided, That the provisions of this act shall not apply to the payment of demands or dues, on which the holders shall refuse to receive, when tendered prior to the commencement of such suit, the bills or notes of any bank subject to the provisions of 'An act suspending for a limited time certain provisions of law, and for other purposes.' "

Before the question was taken,

The Senate, on motion of Mr. Clark, adjourned to two o'clock, P. M.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

The question being on the amendment last offered by Mr. Ellis, while the question was pending,

Mr. Hough moved a call of the Senate, which being sustained, there were absent, Messrs. Britain, Clark, Comstock, Cooper and Rumsey ; further proceedings on the call having been suspended,

On motion of Mr. McDonell, the committee of the whole were discharged from the further consideration of the " resolution relative to an appropriation from Congress for improving the navigation of Lake St. Clair," and the question being on the adoption of the resolution,

Mr. Raynale moved to strike out from the preamble the word " Ohio," which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Ellis,			4

NAYS.

Mr. Barry,	Mr. Kercheval,	Mr. McKey,	
Mr. Britain,	Mr. Manning,	Mr. Moore,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	
Mr. Davis,			10

On motion of Mr. McKey, the preamble to the resolution was stricken out, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Ellis,	Mr. McKey,	
Mr. Comstock,	Mr. Hough,	Mr. Raynale,	
Mr. Davis,	Mr. Manning,		8

NAYS.

Mr. Britain,	Mr. Kercheval,	Mr. Moore,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	6

The question being on the adoption of the resolution, Mr. Clark moved to lay the resolution on the table, which motion did not prevail.

The question recurring on the adoption of the resolution, Mr. Raynale moved to lay the resolution on the table, which motion was again lost.

The question again recurring on the adoption of the resolution, Mr. Comstock moved to amend by adding "and for making a harbor at the mouth of the Kalamazoo river."

Mr. Britain moved to amend the amendment by adding "and the Galeain and Black rivers ;" while the question was pending,

Mr. Hough moved to lay the resolution and amendment on the table, which motion did not prevail, the question being decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Cooper,	Mr. Hough,	Mr. McKey,	
Mr. Davis,			4

NAYS.

Mr. Barry,	Mr. Ellis,	Mr. Moore,	
Mr. Britain,	Mr. Kercheval,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Comstock,	Mr. McDonell,	Mr. Summers,	12

The question on the amendment to the amendment was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Cooper,	Mr. McKey,	
Mr. Comstock,	Mr. Kercheval,		5

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,	
Mr. Clark,	Mr. Manning,	Mr. Rumsey,	
Mr. Davis,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,	Mr. Moore,		11

The question on the amendment was thereupon also decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Britain,	Mr. Cooper,	Mr. Manning,	
Mr. Comstock,	Mr. Kercheval,	Mr. McKey,	6.

NAYS.

Mr. Barry,	Mr. Hough,	Mr. Raynale,	
Mr. Clark,	Mr. McDonell,	Mr. Rumsey,	
Mr. Davis,	Mr. Moore,	Mr. Summers,	
Mr. Ellis,			10

And the resolution having been modified, on motion of Mr. Clark, was adopted in the words following :

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators be, and they are hereby instructed, and our representative is hereby requested, to originate, support, and advocate and maintain a bill for an appropriation from Congress for a survey of, and for the removal of any obstruction on the flats at the mouth of the St. Clair river.

On motion of Mr. McDonell, the following was adopted as an additional resolution to accompany the above :

Resolved, That the Secretary of State be, and he is hereby, directed to transmit copies of the foregoing resolution to our senators and representative in Congress.

Mr. McDonell submitted the following, as the title to said resolution, viz :

“Resolution relative to the navigation of Lake and River St. Clair.”

Mr. Ellis, from the committee on enrolment, reported as correctly enrolled, the resolutions entitled “A resolution to provide for the distribution of certain laws, and for other purposes,” and “A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money.”

The President pro tem. announced a message from the Executive, received through his private secretary, in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, the following acts, viz : “An act legalizing the official acts of Charles Peltier, deputy clerk of the county of Wayne ;”

and "An act to provide for the relief of the Palmyra and Jacksonburgh railroad company."

STEVENS T. MASON.

June 22, 1837.

The bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act concerning mortgages,' approved April 19th, 1833," having been again taken up, the question on the pending amendment offered by Mr. Ellis, was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Clark,	Mr. Kercheval,	Mr. Raynale,	
Mr. Comstock,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,			7

NAYS.

Mr. Barry,	Mr. Davis,	Mr. McKey,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Cooper,	Mr. Manning,	Mr. Rumsey,	9

On motion of Mr. Hough, the vote on striking out in section one, line two, the words "heretofore or," was reconsidered ; the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,			10

NAYS.

Mr. Clark,	Mr. Manning,	Mr. Raynale,	
Mr. Ellis,	Mr. McKey,	Mr. Summers,	6

And the question on striking out was decided in the negative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Manning,	Mr. Raynale,	
Mr. Clark,	Mr. McDonell,	Mr. Summers,	
Mr. Ellis,	Mr. McKey,		8

NAYS.

Mr. Britain,	Mr. Davis,	Mr. Moore,	
Mr. Comstock,	Mr. Hough,	Mr. Rumsey,	
Mr. Cooper,	Mr. Kercheval,		8

And the bill was thereupon ordered to third reading ; and was then read a third time and passed, the question on the final passage of the bill being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. Moore,	
Mr. Britain,	Mr. Hough,	Mr. Raynale,	
Mr. Comstock,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Cooper,	Mr. McDonell,		11

NAYS.

Mr. Clark,	Mr. Manning,	Mr. Summers,	
Mr. Ellis,	Mr. McKey,		5

The Senate thereupon took up the bill from the House of Representatives, entitled "A bill to authorize certain counties to borrow certain sums of money therein named, for the purpose of erecting county buildings."

On motion of Mr. Hough, the bill was amended by striking out in section one, the word "Lenawee."

Mr. Summers moved to amend by inserting in said section the word "Macomb," which motion did not prevail.

Mr. Barry moved to amend by inserting the word "St. Joseph," which motion was also lost.

On motion of Mr. Raynale, the bill was amended by striking out in the proviso to section two, the words "except the county of Oakland."

Whereupon, on motion of Mr. Comstock, the bill was amended by striking out all after the enacting clause.

The Senate, on motion of Mr. Britain, took up the bill from the House of Representatives, entitled "A bill amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named to borrow certain sums of money, and for other purposes,' approved March 24, 1836 ;" which bill, having been read a first and second times, was ordered to third reading, and on motion of Mr. Comstock, was then read a third time and passed.

The Senate, on motion of Mr. Ellis, took up the bill entitled "A bill to authorize the loan of certain sums of money ;" and the

amendments made by the House Representatives to said bill were thereupon concurred in by the Senate.

The President pro tem. announced messages from the House of Representatives, received through their clerk, in the words following :

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I herewith return, with sundry amendments, the bill from the Senate, entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," in which they respectfully ask the concurrence of the Senate.

Mr. PRESIDENT—In pursuance of the rules of the House of Representatives, I am instructed to inform the Senate that the House have concurred in the amendment made by the Senate to the bill entitled "A bill to amend an act entitled 'An act concerning mortgages,' approved April 19th, 1833," and that said bill has passed.

The Senate thereupon concurred in the first and second amendments of the House of Representatives to the bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837," the third amendment having been non-concurred in, Mr. Ellis moved a reconsideration of the vote on concurring in the first amendment, which was agreed to, and the Senate thereupon likewise non-concurred in the said first amendment, and concurred in the fourth and last amendment by the House of Representatives to the above bill.

On motion of Mr. Barry, the committee of the whole were discharged from the further consideration of the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations.'"

The Senate, on motion of Mr. Ellis, took up the resolution from the House of Representatives, entitled "A resolution relative to the capitol;" said resolution having been read a first and second times, and ordered to third reading, was, on motion of Mr. Ellis, then read a third time and passed.

Mr. Britain submitted a joint resolution in the words following :

Resolved by the Senate, (the House of Representatives concurring herein,) That our senators in Congress be instructed, and our representative requested, to use their exertions to procure an appropriation for the improvement of the harbors at the mouth of the Kalamazoo and Galeain rivers, and the Secretary of State is hereby instructed to transmit copies of this resolution to our senators and representative in Congress.

The question on the adoption of said resolution was decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,
Mr. Britain,
Mr. Comstock,
Mr. Davis,
Mr. Ellis,

Mr. Hough,
Mr. Kercheval,
Mr. McDonell,
Mr. McKey,

Mr. Moore,
Mr. Raynale,
Mr. Rumsey,
Mr. Summers,

13

NAYS.

Mr. Cooper,

1

A message was received from the House of Representatives, through their clerk, informing the Senate that the House has receded from their amendments, which had been non-concurred in by the Senate, to the bill entitled "A bill making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837."

The Senate having proceeded to the consideration of the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to organize and regulate banking associations,'" Mr. McDonell moved a call of the Senate, which being sustained, there were absent, Messrs. Clark, Cooper, Hough and Manning; and on motion of Mr. McDonell, the sergeant-at-arms was sent for the absent members.

After some time spent in the consideration of said bill, the further consideration thereof was, on motion of Mr. Moore, postponed to the first Monday of December next.

Mr. Summers submitted a joint resolution, which was adopted by the Senate, being as follows :

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in Congress be instructed, and our representative requested, to ask an appropriation to be

made by Congress to improve the harbor at the mouth of the Clinton river, in this state.

Resolved, That the Secretary of State transmit a copy of the above resolution to each of our senators and representative.

The Senate, on motion of Mr. Britain, took up the bill entitled "A bill to amend an act entitled 'An act to provide for the purchase of the Detroit and Pontiac railroad company.'"

The bill, on motion of Mr. Britain, was amended by inserting after the word "bank," section two, line seven, the words "over and above said stock."

On motion of Mr. Clark, the fourth section was stricken out, the question being decided in the affirmative, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Davis,	Mr. McDonell,	
Mr. Britain,	Mr. Hough,	Mr. Moore,	
Mr. Clark,	Mr. Kercheval,	Mr. Rumsey,	
Mr. Comstock,	Mr. Manning,	Mr. Summers,	12

NAYS.

Mr. Cooper,	Mr. Ellis,	Mr. McKey,	3
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Mr. Ellis moved to amend the bill by striking out in section two, lines two and three, the words "three times," and inserting "twice," which motion did not prevail.

On motion of Mr. Comstock, the following was adopted as an additional section to the bill, to stand as section four :

"Sec. 4. Nothing in this or any other act shall be so construed as to require the commissioners of the board of internal improvement of this state to purchase said railroad."

On motion of Mr. Britain, the following was adopted as an additional section, to stand as section five :

"Sec. 5. Said bank shall in all respects be subject to the provisions of an act entitled "An act suspending for a limited time certain provisions of law, and for other purposes,' passed June 22, 1837."

And the bill was thereupon ordered to third reading ; and was read a third time and passed, two-thirds voting in favor of the passage of the bill, by yeas and nays, as follows :

YEAS.

Mr. Barry,	Mr. Kercheval,	Mr. Moore,
Mr. Britain,	Mr. Manning,	Mr. Raynale,
Mr. Clark,	Mr. McDonell,	Mr. Rumsey,
Mr. Comstock,	Mr. McKey,	Mr. Summers,
Mr. Hough,		

13

NAYS.

Mr. Cooper,	Mr. Davis,	Mr. Ellis,	3
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A message was received from the House of Representatives, through their clerk, informing the Senate, that Messrs. Alden and Bingham had been appointed a committee on the part of the House, to join such committee as might be appointed on the part of the Senate, and wait upon his excellency the Governor, and inform him that the two houses were about to adjourn, and inquire if he had any further communication to make to either house.

Mr. Barry having moved a reconsideration of the vote on the final passage of the bill from the House of Representatives, entitled "A bill to amend an act entitled 'An act to establish branches of the Bank of Michigan, Farmers' and mechanics' bank, and Bank of River Raisin,'" Mr. McDonell moved a suspension of so much of the rules of the Senate, as prevented the question from being put on the reconsideration of said vote, which motion did not prevail, two-thirds not voting in favor of the suspension, the yeas and nays being as follows :

YEAS.

Mr. Barry,	Mr. Comstock,	Mr. McDonell,
Mr. Britain,	Mr. Cooper,	Mr. Rumsey,
Mr. Clark,	Mr. Kercheval,	Mr. Summers,

9

NAYS.

Mr. Davis,	Mr. Manning,	Mr. Moore,
Mr. Ellis,	Mr. McKey,	Mr. Raynale,
Mr. Hough,		

7

The President pro tem. announced a message from the Executive, received through his private secretary, in the words following:

To the Senate :

I have this day approved and filed in the office of the Secretary of State the following acts, viz ; " An act to amend an act entitled ' An act amendatory and in addition to an act entitled

' An act to provide for the assessment and collection of township and county taxes,' approved March 20, 1836 ;" "An act to amend an act entitled ' An act appointing commissioners to lay out and establish certain state roads,' approved March 26, 1836 ;" " An act to amend an act entitled ' An act to provide for the disposition of the university and primary school lands, and for other purposes ;'" " An act to amend an act entitled ' An act appointing commissioners to lay out and establish a state road from Dexter in the county of Washtenaw, to Lyons at the mouth of the Maple river, in the county of Ionia,' approved February 16th, 1837 ;" " An act to amend an act entitled ' An act to provide for the organization and support of primary schools ;'" " A resolution relative to the office of Secretary of State, Treasurer and Auditor General ;" " A resolution to provide for the distribution of certain laws, and for other purposes ;" " A resolution to authorize the fiscal agent to advance to John S. Bagg a certain sum of money ;" " An act to amend an act entitled ' An act concerning mortgages,' approved March 19, 1833 ;" " An act suspending for a limited time certain provisions of law, and for other purposes."

STEVENS T. MASON.

June 22, 1837.

Mr. McDonell moved that the Senate take up the bill from the House of Representatives, entitled " A bill to provide for the construction of a bridge over Conner's creek, on the extension of Jefferson avenue, and for other purposes."

Mr. Raynale moved to lay said motion on the table, which motion did not prevail : and the question on taking up said bill, was decided in the negative.

The Senate, on motion of Mr. Clark, thereupon went into the consideration of executive business.

When the doors were opened,

The Senate, on motion of Mr. Moore, agreed to the appointment of a committee of two, to join the committee appointed on the part of the House of Representatives, to wait upon the Governor, and inquire if he had any further communication to make to either house of the legislature.

And Messrs. Moore and Hough were appointed said committee on the part of the Senate.

The President pro tem. announced a message from the Executive, received through his private secretary, in the words following :

To the Senate :

I have this day approved and filed in the office of the Secretary of State, "An act amendatory to an act entitled 'An act to authorize the boards of supervisors of certain counties therein named, to borrow certain sums of money, and for other purposes,' approved 24th March, 1836 ;" "An act relative to the loan of certain sums of money ;" "An act making appropriations at the extra session of the legislature, held and convened on the second Monday of June, 1837."

June 22, 1837.

STEVENS T. MASON.

Mr. Moore, from the committee on the part of the Senate, appointed to wait upon his excellency the Governor, reported that the committee had discharged the duty assigned them, and that the Governor had informed them that he had no further communication to make to either house of the legislature.

And the Senate, on motion of Mr. Barry, thereupon adjourned.

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1837.

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DOCUMENTS

ACCOMPANYING THE

JOURNAL OF THE SENATE;

FIRST AND SPECIAL SESSIONS,

1837.

DOCUMENTS.

(No. 1.)

Proposition for a Transfer of the Charter of the Detroit and St. Joseph Railroad Company to the State.

Detroit, August 8, 1836.

SIR—In reply to your communication of the 4th instant, I have to state, by authority of the directors of the Detroit and St. Joseph railroad company, that a general meeting of the stockholders would be necessary to any definitive action upon the subject referred to in the resolution enclosed in your letter. But while the directors are not authorized to bind the stockholders in the matter in question, they can confidently state that the object of the latter in subscribing to the railroad, was, to effect an important public work, which they believe to be of primary importance to Michigan; and that they will readily surrender their stock, upon the repayment of the sums advanced, under such an arrangement as will secure a completion of the work, within a reasonable period.

On behalf of the company,

JOHN BIDDLE, *President.*

(No. 2.)

Proposition for a Transfer of the Charter of the St. Clair and Romeo Railroad Company.

OFFICE OF THE ST. CLAIR AND ROMEO R. R. Co., }
December 1, 1836. }

SIR—In reply to your Excellency's letter, making inquiry as to the price and terms on which this company will be willing to surrender to the state of Michigan their right to the St. Clair and

A

Romeo railroad, I have the honor to state that this company will surrender to the state their interest in the road, on condition that the state pay to the company the amount which shall have been expended at the time when they shall require the transfer, according to their books; and engage to construct the road with all possible expedition, and continue the same to some point on Grand river or Lake Michigan, completing the whole within six years from the first of January next, under the direction of the present company, subject to the advice of the chief engineer of the state.

Great progress has been made in the work, for the time that the company have been organized, and about \$5,000 will have been expended by the first of January next, a detailed account of which will be submitted to the legislature at its approaching session.

I have the honor to be

Your most ob't serv't,

THOMAS PALMER, *President.*

To his Excellency

STEVENS T. MASON,

Governor of the State of Michigan.

(No. 3.)

Report of the Honorable William A. Fletcher, relative to the revision of the Laws.

Ann Arbor, December 24th, 1836.

DEAR SIR—Enclosed I send a communication designed to be submitted to the legislature by your Excellency: And if you should think favorably of the proposition to extend the time for revising the laws, as I believe you expressed to me a few days since, such communications bearing upon it as you may think proper, may, and probably will contribute to effect the object. But I believe it is not necessary to recommend myself directly when writing to one who has ever shown me more consideration than I could justly claim.

If you will have the goodness to submit such communications as may tend to effect this object, and at the same time keeping a conscience void of offence towards God and man, you will greatly oblige

Your Excellency's most ob't serv't,

WM. A. FLETCHER.

To his Excellency

GOVERNOR MASON.

Ann Arbor, December 24th, 1836.

To his Excellency

STEVENS T. MASON, Governor, &c. &c.

SIR—By the act of the legislature appointing me to prepare a code of laws for the state, I am required to report the result of my labors in the premises, to the legislature, at its next session; and also to report to your Excellency, the time actually spent in the performance of that duty. I have made every effort to execute the whole work within the short time limited for that purpose; and as to the substantial provisions, I have nearly completed a revision of the present statutes, proposing numerous corrections and amendments, and many additions, to supply what I considered omissions in our present code, but I found the time too short for the performance of the work in the manner and to the extent I had designed, and as I think necessary for the best interests of the state. To have prepared a code of laws, without any attempt to preserve mainly the outlines and features of the existing statutory regulations, would have required less labor and time. But I did not deem it proper, or even safe, to attempt to supercede, or materially change, that large portion of the statutes which had been found convenient and salutary in its practical operation, and which had been long in force, and with which all are familiar. Under these impressions, I endeavored in the first place to revise carefully the present code, to select those portions which it was thought proper to retain, to correct and amend their provisions, and to classify and arrange them in proper and convenient order, having regard principally to the substance, rather than the phraseology. In the performance of this labor more time was necessary than I had anticipated, owing principally to a want of systematic arrangement of the various provisions of our present statutes. Another important part of the labor coming within the scope of the employment, was to incorporate in the revised code, such new provisions as the good government and general welfare of the state seemed to require, under its present greatly altered condition and prospects. Little more than one-half of the specific legislative enactments, which have been found necessary and beneficial in most of the best regulated states in the Union, are to be found in our present code, and when it is considered that more valuable improvements have been made in the statutory laws, in most of the older states, during the last ten years, than were made within a century before, and that these improvements have been proposed and adopted under the supervision and direction of the most experienced and competent men, specially selected for the purpose, with ample time for the service, I presume an apology will hardly be necessary, when I state that I have not been able within the short time allowed, to complete this part of the work as perfectly as I had designed, and as I still think neces-

sary. There is yet another subject of great importance in the preparation and adoption of an entire code of written law. I allude to the language by which the will of the legislature is expressed. The want of a practical knowledge of the rules of judicial construction of statutes, and the want of simplicity and conciseness, and of great care on the part of those who have penned the statutes, have occasioned an immense amount of litigation. Most of our general statutes are peculiarly liable to objection on those grounds. Among the improvements which I designed, and one in which I had perhaps greater confidence of success than in any other, was in the language of the statutes. Nor is my confidence diminished from the limited efforts which have been made for this purpose; but I have not had time to apply these efforts but to a small portion of the statutes. This subject deserves the highest consideration, as it must be manifest to all that those provisions and rules which are designed to define and secure the rights and interests of individuals and the whole community, ought not to be themselves the occasion of doubt and uncertainty in the law, and of increasing the evils of litigation. Necessarily connected with this subject, to a very considerable extent, is the classification and arrangement of the various and widely scattered provisions of the existing statutes. In attempting to secure these desirable improvements, great and extensive alterations are necessary in the phraseology, extending to an entire revision and simplification of those parts of the present statutes which it will be proper to retain. Finding that the short time allowed for the completion of the work would not allow me that time for each of the subjects above mentioned which was requisite to complete them in the manner I should deem most proper, had there been time sufficient, I was under the necessity of distributing my labor and efforts over all of these subjects, so that I might be able to submit to the legislature, at the time required, the result of my labors upon the whole work. I have been actually employed in this service a little more than six months, and with the labor of a few days, can be prepared to report to the legislature upon the whole subject, should it be deemed necessary for the public interests that the whole should be revised by the legislature at its approaching session. I cannot, however, withhold the expression of my firm conviction that the public good would be much promoted by giving a further time for the completion of this important service. The inconvenience occasioned by a few months' delay in the publication of the code, would in my opinion, be much more than compensated by the improvements which might be made, and by the great and lasting benefits arising from a more full, concise, simple and systematic code than can now be presented. The time necessary for all the improvements which I might deem of importance, would not extend beyond the middle of September

or the first of October next, and I submit respectfully to the wise consideration of the legislature, whether such an extension of time might not materially contribute to the best interests of the state. When the magnitude of the work, and the labor and care necessary for its execution are considered, and a proper estimate formed of the difficulties and responsibility incident to the undertaking, and of the time necessary for the preparation of an entire code of statute law, I trust the above considerations will commend themselves to the favorable regard of the legislature.

I have the honor to be

Your Excellency's

Most obedient servant,

WM. A. FLETCHER.

(No. 4.)

Report of the Auditor General.

*Henry Howard, Treasurer, in account with the State of Michigan,
for receipts and expenditures.*

DR.

1836.

Oct. 1. To cash in the treasury, reported to the Executive this day,		\$34,676 84
5. Cash received of Warren Chase, auctioneer, Monroe, for duties on auction sales,	\$9 80	
6. Cash received of James Filson, auctioneer, Wayne county, for duties on auction sales,	21 33	
Cash received of Henry Doty, auctioneer, Wayne county, for duties on auction sales,	161 15	
17. Cash received of Lucius Lyon, proprietor of the seat of justice Sanilac,	105 00	
22. Cash received of James Patchin, sheriff of Lenawee county, for taxes,	214 00	
		511 28
Nov. 17. Cash received of Geo. W. Hoffman, auctioneer, for duties on auction sales,	1 62	
Cash received of Henry M. Hen-		
Carried forward,	\$	\$

DOCUMENTS.

1836.	Brought forward,	\$	\$
	derson, proprietor, seat of justice, Gratiot county,	423 00	
		<hr/>	424 62
Dec. 24.	Cash received of the Auditor General, on account of N. Hubble, sheriff of Monroe county,	150 00	
	Cash received of the Auditor General, on account of Elias Taylor, sheriff of St. Joseph county,	293 00	
	Cash received of the Auditor General, on account with Heman Pratt, coroner, Hillsdale,	20 00	
	Cash received of the Auditor General, on account of Eber Root, sheriff, Cass county,	63 27	
Dec. 24.	Cash received of the Auditor General, on account of Eber Root, auctioneer, for sales at auction,	36 93	
		<hr/>	563 20
30.	Cash received of Lemuel Goodell, auctioneer, Wayne county, for duties on sales at auction,	41 03	
	Cash received of F. H. Stevens, fiscal agent, for surplus paid him on account of Wm. H. Griswold,	3 00	
31.	Cash received of John M. Wilson, sheriff, Wayne county,	800 00	
	Cash received of Henry Doty, auctioneer, Wayne county, for auction duties,	146 24	
	Cash received of Robert Abbott, Auditor General, on account of Henry Neil, auctioneer,	3 00	
	Cash received of Wm. Anderson, sheriff, Washtenaw,	41 12	
		<hr/>	1,034 39
			<hr/>
			\$37,210 33
1837.			<hr/>
Jan. 1.	Balance in the treasury,		\$27,130 68

DOCUMENTS.

7

Cr.

1836.

Oct. 1. By cash paid warrant, favor F. H. Stevens, fiscal agent, for moneys advanced the delegates to the Ann Arbor convention,	\$1,782 42
5. Cash paid warrant, favor J. E. Schwarz, Adjutant General, one quarter salary,	31 25
Cash paid warrant, favor B. B. Kercheval,	27 00
7. Cash paid warrant, favor F. H. Stevens, fiscal agent, for moneys advanced the delegates to the Ann Arbor convention,	84 00
Cash paid warrant, favor F. H. Stevens, for moneys advanced G. R. Griswold, for furnishing journal for the House of Representatives,	20 00
15. Cash paid warrant, favor Eps. Ransom, assistant justice, one quarter salary,	295 89
Cash paid warrant, favor Geo. Morell, assistant justice, one quarter salary,	301 03
Cash paid warrant, favor Henry Sleeper, a commissioner locating seat justice, Sanilac county,	60 00
Cash paid warrant, favor Martin Story, a commissioner for Sanilac, services,	45 00
	<hr/>
Cash paid warrant, favor Jno. Delafield, of N. Y., for semi-annual interest on \$100,000 from 1st May to 30th October, inclusive, at 6 per cent. per annum,	3,000 00
21. Cash paid warrant, favor E. Farnsworth, Chancellor, one quarter salary,	301 03
22. Cash paid warrant, favor H. V. Mann, Chas. Thayer and Robert Abbott, commissioners auditing militia claims,	180 00
	<hr/>
Carried forward,	\$ \$

1836.	Brought forward,	\$	\$
Oct. 22.	Cash paid warrant favor Daniel Le Roy, for one quarter salary as Attorney General,	50 00	
		<hr/>	3,531 03
Nov. 17.	By cash paid warrants for John Berry, A. H. Stowell and Jeremiah Rigg, commissioners locating seats of justice, Gratiot and Midland counties, \$177 and \$141 each,	954 00	
	Cash paid warrant, favor J. K. Grosvenor, messenger,	10 00	
	Cash paid warrant, favor Abraham Butts, messenger,	62 50	
	Cash paid warrant, favor D. C. Jennings, messenger,	62 75	
	Cash paid warrant, favor J. C. Abel, messenger,	102 50	
	Cash paid warrant, favor H. A. Levake, messenger,	150 00	
	Cash paid warrant favor C. C. Douglass, locating state lands,	484 50	
	Cash paid warrant favor H. Howard, one quarter salary,	75 00	
	Cash paid S. T. Mason, (no warrant,)	500 00	
Dec. 2.	By cash paid warrant favor S. F. Fletcher,	10 50	
	Cash paid warrant favor H. Garrison & Co.,	2 50	
	Cash paid warrant favor Wm. Terry,	10 00	
		<hr/>	2,424 25
	Cash paid warrant favor Geo. P. Davis,	5 63	
	Cash paid warrant favor F. H. Stevens, fiscal agent, for moneys advanced John M'Donell, chairman of committee for repairs to the capitol,	150 00	
	Cash paid warrant favor F. H. Stevens, fiscal agent, for moneys, J. McDonell chairman, for repairs to the roof of capitol,	390 00	
		<hr/>	
	Carried forward,	\$	\$

DOCUMENTS.

9

1836.	Brought forward,	\$	\$
Dec. 2.	Cash paid warrant favor Frs. Charter,	37	50
7.	Cash paid warrant favor Wm. Thompson, surgeon in the militia, founded on quarter month's scrip,	45	00
8.	Cash paid warrant favor W. H. Hoag, for 120 miles travel, as elector of President and Vice-President,	24	00
	Cash paid warrant favor D. Le Roy, for 52 miles travel as do.,	10	40
15.	Cash paid warrant favor F. H. Stevens, fiscal agent, in part of appropriation to defray expenses of Ann Arbor convention, held at Ann Arbor, September last,	192	50
17.	Cash paid warrant favor Jno. McDonell, for services as senator, July session,	48	00
	Cash paid warrant favor Wm. Draper for distributing 2000 copies of pamphlets of 3 sheets. at 1 cent each, of the proceedings of the Ann Arbor convention, through post office,	60	00
23.	Cash paid warrant favor James B. Stewart, being overplus of money deposited in the treasury to defray the expenses of the commissioners in reviewing the seat of justice in Branch county,	83	50
			3,470 78
	Cash paid warrant favor R. Abbott, Auditor General, for one quarter salary,	\$75	00
	Cash paid warrant favor R. Abbott, for postage,	25	00
	Cash paid warrant favor B. Woodworth, messenger from Detroit to Tecumseh,	20	00
	Cash paid warrant favor B. Woodworth, from Detroit to Pontiac,	10	00
	Carried forward,	\$	\$
	B		

1836.	Brought forward,	\$	-	\$
23.	Cash paid warrant favor L. Vandewalker, sheriff Kalamazoo, for surplus money paid into the treasury on account of taxes,	26	25	
	Cash paid warrant favor M. J. Bacon, December 2d,	75	00	
31.	Cash paid warrant favor K. Pritchette, for one quarter salary,	200	00	
				431 25
	Balance in the Treasury carried to account,			\$27,131 68
				<hr/> \$37,210 33

[Duplicate.]

ROBERT ABBOTT,

Auditor General, S. M.

AUDITOR'S OFFICE, }
 January, 1836. }

(No. 5.)

Report of the State Treasurer.

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 31, 1836. }

SIR—Agreeably to your instructions, I herewith present you with my account current with the state of Michigan, up to this day inclusive, showing a balance on hand of \$27,130 68, to the credit of the general fund; and also the contingent account, showing an unexpended balance to credit of that account of \$281 55.

There has been received into the treasury during the past year, commencing 1st March, 1836, at which time the state treasury was organized, the sum of \$117,544 74, as per statement herewith rendered, as follows:

From loans,	\$110,000 00
From auction duties,	697 29
From taxes, including balance received of L. Cook, Esq. Treasurer,	5,611 93
From A. H. McKinstry, balance in his hands as fiscal agent,	32 75

Carried forward,

\$

Brought forward, .	\$
From sundry persons, to defray the expense of reviewing and locating county sites,	1,202 77
	<hr/>
	\$117,544 74

And there has been expended during the same period, for all purposes, the sum of \$90,414 06, as per statement, as follows:

For moneys loaned of banks and ordinary expenses of government,	\$50,301 26
For extraordinary expenses of ditto, including expense of maintaining the supremacy of the laws,	38,531 78
For locating and reviewing county sites,	1,481 02
	<hr/>
	\$90,414 06

You will observe by the above statement, the ordinary receipts of the state have been from auction duties and traders' licenses, and amount to only \$5,611 93; while the ordinary expenses of the state amount to \$50,301 26, showing a deficit in receipts to meet those expenses of \$44,689 33, which has been made up from loans.

I also present you with a statement showing the probable ordinary demands upon the treasury the ensuing year, amounting to the sum of \$51,025, for the following objects, viz:

For salaries of state officers,	\$10,525 00
For expense of the present session of the legislature,	18,450 00
For cleaning and fitting up capitol, and insurance on the same,	250 00
For contingent fund,	3,000 00
For interest on the loan of \$100,000, 6 per cent,	6,000 00
For expense of the December session of the Ann Arbor convention, to assent to the proposition of Congress for the admission of the state into the Union,	2,500 00
For expense of the special messengers, conveying to Washington the assent to the proposition of Congress,	80 00
For outstanding claims upon the state for services in maintaining the supremacy of the laws,	9,500 00
	<hr/>
	\$51,025 00

In order to meet those demands, sound policy dictates that a

further resort to loans is unwise, and until the state has permanently established other sources of revenue, it is highly necessary that the state tax now in progress of collection in some of the counties should be generally and vigorously enforced; so that the moneys accruing from that source may early reach the treasury. What amount of money will accrue from that tax, I am unable, for want of proper data in this office, to decide; sufficient, however, I should presume, with the balance now on hand, to meet the demands for the ensuing year.

If it was definitely settled what length of time Michigan will be permitted to retain the share of the surplus fund she is entitled to receive from the general government, upon her admission into the Union, better provisions might be made for investing that fund, so that the interest might be applied to meeting the future ordinary expenses of the state, and thereby proportionably relieve the people from the burthen of a direct tax.

But as the retaining the surplus fund by the state a great length of time seems to be a matter of much doubt, I am of opinion that no reliance should be placed upon the use of that fund for defraying the ordinary expenses of the government.

In order, therefore, to provide a permanent source of revenue to meet the future ordinary expense of supporting the government, I would suggest in addition to the receipt of moneys from the present ordinary sources (which are limited and entirely inadequate,) the propriety of investing the surplus fund in either the stock of a bank, based in part upon that fund and under the patronage and supervision of the state, or in the stocks of some of the existing banking institutions now in operation, and applying the dividends upon said stock in part to meet the ordinary expenses of the state.

To provide for the contingency of a recall by the general government of the surplus fund, of which notice will undoubtedly be given, the state can provide to meet the deficit of stock thus occasioned by an issue of her own stocks to an equal amount.

The example of several of the states already exhibited in the disposal of the surplus fund, leads me to the conclusion that in order to preserve a like good faith of the state with the general government in accepting this fund, such measures should be adopted in regard to its disposition as will enable the state at short notice to provide for its repayment.

Upon mature consideration, these seem to me to be the most feasible plans of investing the surplus fund. Whether any mode more preferable can be suggested, having in view the good faith of the state towards the general government, and at the same time a safe and available investment of these moneys, by which

the dividends may be applied to the ordinary expenses of the state, must be left to the wisdom of the legislature to decide.

I am, sir,

Very respectfully,

Your obedient servant,

HENRY HOWARD, *Treasurer.*

To his excellency STEVENS T. MASON,

Governor of Michigan.

Statement of the Ordinary Expenditures of the State of Michigan during the year ending 31st December, 1836.

Governor Mason, for one quarter year's salary, ending 3d February, 1836, at \$2000 per annum,	\$500 00
Martin Story, for services as sergeant-at-arms,	9 00
D. Petty, for cabinet work furnished Senate chamber,	910 00
J. & M. Palmer, for carpeting do. do.	136 75
Watkins & Joy, for upholstery do. do.	405 00
J. & J. Watson, for carpeting do. do.	26 25
G. B. Martin & Co., for stoves and stove pipe, furnished Senate chamber, and setting up same,	170 46
Chas. G. Hammond & Co., for carpeting and stove pipe furnished Senate chamber,	46 50
Wright & Solomon, for mahogany table and desk furnished Senate chamber,	80 00
Morrison Paulding, for stove and pipe furnished Senate chamber,	21 00
Levi Skinner, for cleaning and polishing stoves,	3 00
F. H. Stevens, fiscal agent, for pay and mileage sundry members legislature,	646 80
John Norvell, for his postage account,	55 00
A. H. Stowell, for stationery furnished the legislature,	808 79
Morse & Bagg, for printing bill,	100 00
F. H. Stevens, fiscal agent, for pay and mileage of sundry members of the legislature,	14,024 79
F. H. Stevens, for expenses attending funeral of J. P. Fay,	48 56
F. H. Stevens, for wood and other articles furnished the legislature,	147 91
A. H. McKinstry, fiscal agent, for money loaned to pay members of the legislature, \$1,700 00 }	1,734 70
for interest on do. to March 5, 1836, 34 70 }	
B. Woodworth, for committee rooms,	50 00
K. Pritchette, for one quarter year's salary as Secretary of State, at \$800 per ann.,	200 00

Carried forward,

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Brought forward, §	
K. Pritchette, for salary, from 1st January to 31st March, 1836,	105 24
Charles Tryon, for making index and marginal notes to the laws and journal of the special session of the legislature,	24 00
James K. Averill, for newspapers furnished the legislature,	5 00
Tandy K. Brown, for services as engrossing clerk to the legislature,	30 00
C. C. Hascall, for pay as member of the legislature,	88 50
John Gibson, for attending the supreme court, January term,	22 50
Morse & Bagg, for printing, and other documents furnished the legislature,	680 15
L. L. Morse, for stationery furnished the legislature,	63 08
Morse & Bagg, for Free Press and extra printing furnished both houses of the legislature,	441 00
Britton & Moore, for furniture for the Secretary of State's office,	100 00
Thos. Christian, for services as enrolling clerk to the legislature,	30 00
Thos. Christian, for copying the laws of the special session of the legislature,	14 56
Alpheus White, for white-washing and plastering the Senate chamber, and washing same and furnishing boxes for the stoves,	28 05
Robert Abbott, for one quarter year's salary as Auditor General, at \$300 per ann.,	75 00
Geo. R. Griswold, for bringing up journals and other records of the House of Representatives,	60 00
Geo. W. Dexter, for going to Monroe and bringing back absent members,	20 00
Governor Mason, for one quarter year's salary,	500 00
H. Howard, for one quarter year's salary as Treasurer, at \$300 per ann.,	75 00
Moore & Chandler, for paying laborers, and materials found in fitting up and cleaning the capitol,	35 75
Secretary of State, Auditor General and Treasurer, for stationery for the use of their several offices, 100 dollars each,	300 00
E. J. Van Buren, for newspapers furnished the legislature,	4 00
E. J. Van Buren, for printing laws passed at the extra session of the legislature,	25 00

Carried forward,

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DOCUMENTS.

15

Brought forward,		
McArthur & Hurlbut, for stationery furnished the legislature,		8 31
S. W. Johnson, for stationery furnished the legislature,	422 01	
Wm. H. Griswold, for acting clerk for the legislature,	3 00	
Reuben Gibson, for furnishing fuel for the legislature,	25 72	
S. P. Fletcher, for carpeting and trimmings for Governor's room,	52 13	
A. Morton, for assistant clerk to the legislature,	33 00	
Moore & Chandler, for white-washing and cleaning the capitol,	20 38	
Silas D. McKeen, for enrolling clerk to the Senate,	35 00	
Edward A. King, for furnishing records of the legislative journal and recording Executive journal,	25 00	
Arch. Salmon, for two desks for the legislature,	90 25	
Beriah Brown, for newspapers furnished the legislature,	6 00	
M. Paulding, for furnishing stoves and pipe for the capitol,	27 72	
F. H. Stevens, for salary as fiscal agent,	100 00	
C. C. Trowbridge, cashier Bank of Michigan, for moneys loaned the legislature, and interest on same,	4,054 45	
F. H. Stevens, president Michigan state bank, for moneys loaned the legislature, and interest on same,	6,096 95	
J. E. Schwarz, for one quarter year's salary, at \$125 per ann.,	31 25	
Rufus Brown, for stationery for use of Senate and House of Representatives,	58 00	
Kintzing Pritchette, for one quarter year's salary,	200 00	
Gov. Mason, for this amount appropriated as a contingent fund,	2,000 00	
Albert Chandler, for extra services rendered the legislature,	90 00	
Caleb F. Davis for painting and glazing on capitol,	10 81	
Geo. L. Whitney, for newspapers furnished the legislature,	4 00	
J. J. Adam, for preparing manual and extra services,	5 00	
F. H. Stevens, fiscal agent, for paying members of the legislature,	4,446 35	
J. J. Adam, for extra services rendered the legislature,	15 00	
J. Huston, for services as door keeper to the House of Representatives,	15 00	
Geo. W. Dexter, for services as sergeant-at-arms to the Senate,	15 00	

Carried forward.

Brought forward,		
Joshua Coates, for services as reporter to the House of Representatives,		42 00
A. E. Hathan, for services as surveyor around the capitol,		3 00
J. J. Adam, for map for the use of the Senate,		9 00
Hamet & Vaughn, for stationery for the use of the legislature,		9 50
Edward D. Ellis, for newspapers furnished the legislature,		8 00
Stevens T. Mason, for state seal furnished,		25 00
N. H. Hart, for services as enrolling clerk to the Senate,		15 00
J. J. Adam, for extra services and a book wherein to record Executive journal,		20 00
J. B. Watson, services as clerk,		5 00
Lewis Bond, for services as sergeant-at-arms to the House of Representatives,		15 00
Jno. S. Bagg, for printing bills and other documents for the legislature,		467 36
W. S. Drake, for extra services as recording clerk to the Senate,		10 00
Albert Chandler, for extra services as recording clerk to the House of Representatives,		45 00
Thomas Lappin, for services as messenger to the House of Representatives,		15 00
F. H. Stevens, for stationery furnished the legislature,		102 32
S. McKnight, his postage account,		16 37
Thos. Christian, for services as enrolling clerk to the House of Representatives,		10 00
L. L. Morse, for stationery furnished the legislature,		118 69
E. P. Gardner, for newspapers furnished the legislature,		8 00
Diodate Hubbard, for services as sergeant-at-arms during the absence of sergeant,		10 00
John Griffin, for services at capitol during vacation and on the Executive office,		46 75
William A. Fletcher, for salary as circuit judge from 1st April to 4th July,		387 32
William A. Fletcher, for one-fourth year's salary as commissioner to revise the laws, \$1,500 per year,		375 00
John Delafield, Esq., cashier Phoenix bank, for one-half year's instalment of interest due 1st November, 1836, on the \$100,000 loan,		3,000 00

Carried forward,

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DOCUMENTS

17

Brought forward,	•
John E. Schwarz, for one-fourth year's salary as adjutant general,	31 00
George R. Griswold, for furnishing and preparing complete for the press, the journals of the House of Representatives,	20 00
Epaph's Ransom, for salary as associate justice of the supreme court, from the 18th July to October 1, 1836, at \$1,500 per annum,	295 89
George Morell, for salary as do. to October 1, 1836, do.	301 03
W. C. Whiteman, for services as clerk of Cass county, copying returns of the vote for sheriff of said county,	9 84
Robert Abbott, for salary as Auditor General of the territory, from 1st to 28th February, 1836, at \$200 per annum,	16 00
William A. Fletcher, for salary as Chief Justice, from 4th July to 30th September, 1836,	380 29
Kintzing Pritchette, for one-fourth year's salary as Secretary of State,	200 00
Kintzing Pritchette, for the purpose of effecting insurance on the capitol,	100 00
Henry Howard, for one-fourth year's salary as Treasurer,	75 00
Robert Abbott, one-fourth do. do. as Auditor General,	75 00
Robert Abbott, for postage on letters received at Auditor General's office,	25 00
William A. Fletcher, for one-fourth year's salary as commissioner to revise the laws,	375 00
Secretary of State, Auditor General and Treasurer, for office rent up to January 1, 1837, \$50 each,	150 00
H. Howard, for extra services as Treasurer,	100 00
William H. Griswold, for clerk to the House of Representatives,	3 00
William Hill, for white-washing rooms in capitol,	24 25
Snow & Fisk, for stationery furnished the legislature and Executive,	88 32
Kintzing Pritchette, for making an index and marginal notes to the laws,	30 00
Governor Mason, for one-fourth year's salary,	500 00
Elon Farnsworth, for salary as Chancellor from the 18th July to 30th September, 1836, at \$1,500,	301 00

Carried forward,

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C

Brought forward,		6
Daniel Le Roy, for one-fourth year's salary as Attorney General,		50 00
Governor Mason, for one-fourth year's salary up to 31st October, 1836,		500 00
H. Howard, for one-fourth year's salary as Treasurer,		75 00
F. Charter, for pay as member of the legislature,		37 50
S. P. Fletcher, for arrearages on carpeting,		10 50
George P. Davis, for glazing dome on capitol,		5 63
William Terry, for extra services as messenger to the legislature,		10 00
H. D. Garrison & Co., for boxes furnished the capitol,		2 50
F. H. Stevens, fiscal agent, for cash paid J. McDonell, chairman committee ways and means, for materials furnished and labor done on capitol,		150 00
F. H. Stevens, fiscal agent, for cash paid J. McDonell, chairman committee ways and means for materials furnished and labor done on roof of capitol,		390 00
John McDonell, for member of legislature,		48 00
S. Vandewalker, for this amount paid into the treasury, a surplus of the amount of taxes collected in Kalamazoo county, being the fees of town and county clerks.		26 25
R. Abbott, for one-fourth year's salary as Auditor Gen'l		75 00
R. Abbott, for postage account on documents received and sent from his office,		25 00
K. Pritchette, for one-fourth year's salary as Secretary of State,		200 00

\$50,301 26

HENRY HOWARD, Treasurer.

STATE TREASURER'S OFFICE, }
 Detroit, December 31, 1836. }

Statement of the extraordinary expenditures of the State of Michigan, during the year ending 31st December.

Kintzing Pritchette, for services and expenses going to and returning from Philadelphia, New-York and Boston, to negotiate the loan of \$100,000,	\$354 00
Sheldon McKnight, for printing the proceedings and journals and all other documents of the convention to form the constitution,	750 05
John A. Welles, cashier Farmers' and mechanics' bank, for this amount loaned by Levi Cook, Esq., territorial treasurer,	\$6,561 75

Carried forward,

8

DOCUMENTS.

19

Brought forward,			
Interest on do. from 24th June, 1835, to March 3d, 1836,	316 40		
		6,878 15	
C. C. Trowbridge, cashier Bank of Michi- gan, for this amount loaned by Levi Cook, Esq., territorial treasurer, \$10,636 06			
Interest on do. from 24th June, 1835, to March 4, 1836,	514 96		
		11,151 02	
Charles W. Whipple, for services rendered by an as- sistant clerk under the direction of the convention to form the constitution,		8 00	
Chas. W. Whipple, as secretary to do. do.		15 00	
Marshal J. Bacon, do. do. do.		15 00	
S. N. Gantt, for printing the proceedings of the Ann Arbor convention, furnishing paper and binding in pamphlet form,		192 50	
William Draper, for distributing the proceedings of said convention,		60 00	
			Pay as special mes-
H. A. Levake, \$150 00	}		sengers, conveying
Julius C. Abel, 102 50			to seat of govern-
Ab'm Butts, 63 50			ment of the state,
Darius C. Jennings, 62 75			return of votes given
L. K. Grosvenor, 10 00			for President and V.
			Pres't of the U. S.,
Wm. H. Hoag, \$24 00	}	387 75	
Daniel Le Roy, 10 40		34 40	Pay as electors of Presi-
C. C. Douglass, for his services and expenses as agent to locate state lands,		484 50	dent and Vice-President,
Sundry persons, for services in maintaining the su- premacY of the laws,		13,591 43	
F. H. Stevens, fiscal agent, for expenses attending the late Ann Arbor convention,		1,593 42	
A. H. McKinstry, cashier Michigan state bank, for cash loaned Governor Mason, expended in maintaining the supremacy of the laws,	\$2,700 00		
Interest on do. to March 19, 1836, five months and fifteen days,	86 62		
		2,786 62	
B. Woodworth, for services as express from Detroit to Tecumseh and Pontiac, conveying to the elec- tors of President and Vice-President the certified			
Carried forward,			

Brought forward,
statement of the board of state canvassers, agreea-
bly to the 12th section of act of March, 1836, 30 00

\$38,631 78

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, December 31, 1836. }

Account Current.

State of Michigan, in account with Henry Howard, Treasurer.

DR.

1836.

Oct. 5.	To paying warrant favor Jno. E. Schwarz,	\$31 25	
	F. H. Stevens, fiscal agent,	27 00	
	F. H. Stevens, fiscal agent,	1,782 42	
			\$1,840 67
12.	F. H. Stevens, fiscal agent,	84 00	
	F. H. Stevens, fiscal agent,	20 00	
			104 00
17.	George Morell,	301 03	
	Epaph's Ransom,	295 89	
	Martin Story,	45 00	
	John Sleeper,	60 00	
			701 92
	John Delafield, Esq. Cashier Phoenix bank, New York, to meet half yearly instal- ment of interest due 1st Nov., 1836, on loan of \$100,000,		3,000 00
21.	Elon Farnsworth,	\$301 03	
	Mann, Thayer & Abbott,	180 00	
			481 03
27.	Daniel Le Roy,		50 00
Nov. 1.	Gov. Mason,		500 00
17.	A. H. Stowell,	141 00	
	John Berry,	141 00	
			282 00
23.	Abraham Butts,	62 50	
	J. K. Grosvenor,	10 00	
	D. C. Jennings,	62 75	
24.	J. C. Abel,	102 50	
29.	H. A. Levake,	150 00	
			387 75

Carried forward,

\$

DOCUMENTS.

21

1836.	Brought forward,		\$
Nov. 30.	To A. H. Stowell,	\$177 00	
	John Berry,	177 00	
	Henry Howard,	75 00	
		<hr/>	429 00
Dec. 2.	Geo. R. Griswold for F. Charter,	37 50	
	Jeremiah Riggs,	141 00	
	Jeremiah Riggs,	177 00	
	S. P. Fletcher,	10 50	
	Geo. P. Davis,	5 63	
	Wm. Terry,	10 00	
		<hr/>	381 63
6.	H. D. Garrison & Co.,	2 50	
	F. H. Stevens, fiscal agent,	150 00	
	F. H. Stevens, fiscal agent,	390 00	
		<hr/>	542 50
8.	William H. Hoag,	24 00	
	Daniel Le Roy,	10 40	
		<hr/>	34 40
21,	John McDonell,	48 00	
	William R. Thompson,	45 00	
	C. C. Douglas,	484 00	
	William Draper,	60 00	
	F. Stevens fiscal agent,	182 50	
	M. J. Bacon,	75 00	
		<hr/>	905 00
23.	J. B. Stewart,		83 50
26.	S. Van De Walker,	26 25	
	R. Abbott,	75 00	
	R. Abbott,	25 00	
	B. Woodworth,	30 00	
		<hr/>	156 25
31.	To paid warrant for K. Pritchette, one		
	quarter year's salary,	200 00	
	Balance carried to credit of the state,	27,130 68	
		<hr/>	\$37,210 33

CR.

1836.		
October 1.	By balance on hand this day,	\$34,676 84
5.	By amount received of Warren Chase,	
	auctioneer, duties on goods,	9 80
	Henry Doty, auctioneer, duties on	
	goods,	161 15
	James Filson auctioneer, duties on	
	goods,	21 33
		<hr/>
	Carried forward,	\$

1836. Brought forward,		
Oct. 17.	Lucius Lyon, to defraying expense of commissioners in locating Sanilac county site,	105 00
31.	James Patchen, sheriff of Lenawee county,	214 00
Nov. 12.	Geo. W. Hoffman, auctioneer, duties on goods,	1 62
17.	K. M. Henderson, to defraying expense of commissioners in locating Gratiot county site,	423 00
Dec. 24.	Wm. Anderson, sheriff of Washtenaw county, taxes,	41 12
26.	N. Hubble, sheriff of Monroe co., taxes, Elias Taylor, sheriff St. Joseph county, taxes,	150 00
26.	Eben. Root, sheriff of Cass county taxes,	293 00
	H. Pratt, auctioneer, duties on goods,	100 20
	H. Neil, auctioneer, duties on goods,	20 00
	F. H. Stevens, overplus paid him for Wm. H. Griswold,	3 00
30.	Lemuel Goodell, auctioneer, duties on goods,	3 00
	J. M. Willson, sheriff, taxes,	41 03
31.	H. Doty, auctioneer, duty on goods,	800 00
		146 24
		<hr/>
		\$37,210 33

Dec. 31. By balance on hand this day, \$27,130 00
HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit December 31, 1836. }

Statement of Moneys paid the following persons for services as Commissioners in locating County Sites, &c.

John Bronson,	Ingham county,		\$48 60
John Greenfield,	} Shiawassee do.	\$41 14 each,	123 42
Samuel Axford,			
Garry Spencer,	Sanilac, do.		60 00
John Sleeper,	do. do.		45 00
Martin Story,	} Midland, do.	\$117 00 each,	351 00
John Berry,			
A. H. Stowell,			
Jeremiah Riggs,			

Carried forward,

DOCUMENTS.

23

Brought forward,			\$	
John Berry,	{	Gratiot, do. \$141 00 each,	423 00	
A. H. Stowell,				
Jeremiah Riggs,				
H. Whightman,	{	Reviewing Branch county site,	54 00	
Charles Grant,			70 50	
Wm. H. Hoag,			42 00	
James B. Stuart, for balance due him for moneys deposited to defray expense of reviewing the county site of Branch county,			83 50	
			<hr/> \$1,491 02	

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 31, 1836. }

Statement of Receipts into the Treasury of the State of Michigan during the year ending 31st December, 1836.

1836.

Mar. 3.	Received part of the loan of one hundred thousand dollars,	\$36,000 00
22.	Balance to the credit of A. H. McKinstry, fiscal agent, received from the Michigan state bank,	32 75
	This sum loaned of the Bank of Michigan,	\$4,000 00
	This sum loaned of the Michigan state bank,	6,000 00
		<hr/> 10,000 00
April 13.	Of Lemuel Goodell, auctioneer, duties on goods,	49 03
May 9.	Of sheriff of Calhoun county, for taxes,	137 00
21.	Of L. J. Daniels and George, Cooper, expense of commissioners in locating Van Buren county site,	252 75
June 2.	Of sheriff of Lapeer county, for taxes,	24 70
4.	Of C. Thayer, part, but in full of expense of locating Ingham county site,	48 60
	Carried forward,	<hr/> \$

	Brought forward,		
1836.			
June	7. Of sheriff of Monroe county, for taxes,	500	00
	13. Balance of the loan of one hundred thousand dollars, Of J. Stewart, to defray the expenses of commissioners reviewing Branch county site,	64,000	00
	15. Of Andrew Mack, to defray the expense of commissioners in locating Shiawassee county site,	250	00
	28. Of James Filson, auctioneer, duties on goods,	123	42
	30. Of Lemuel Goodell, auctioneer, duties on goods,	135	09
July	2. Of sheriff of Kalamazoo county, for taxes, Of sheriff of Allegan county, for taxes, Of sheriff of Jackson county, for taxes, Of A. H. Stowell, auctioneer,	47	78
	6. Of Levi Cook, balance in his hands as late territorial treasurer,	267	47
	11. Of sheriff of Calhoun county, for taxes,	68	35
	15. Of sheriff of Washtenaw county, for taxes, Of William White, auctioneer, duties on goods,	85	15
	21. Of sheriff of Branch county, for taxes,	00	07
	26. Of sheriff of Washtenaw county, for taxes,	1,221	45
Aug.	13. Of sheriff of Wayne county, for taxes,	8	60
	15. Of sheriff of Livingston county, for taxes,	274	05
	31. J. W. Hall, auctioneer, duties on goods, Of sheriff of Hillsdale county, for taxes,	2	00
		58	50
		10	00
		1,000	00
		25	66
		8	66
		22	67
	Carried forward,		

DOCUMENTS.

25

		Brought forward,		
1836.				
Sept.	10.	Of sheriff of Washtenaw county, for taxes,	264	62
	21.	Of coroner of Lenawee county, for taxes,	81	29
	30.	Of Lemuel Goodell, auctioneer, duties on goods,	48	61
		Of Lemuel Goodell, auctioneer duties on goods,	1	88
		Of sheriff of Jackson county, for taxes,	11	50
Oct.	5.	Of Warren Chase, auctioneer, duties on goods,	9	80
		Of Henry Doty, auctioneer, du- ties on goods,	161	15
		Of James Filson, auctioneer, du- ties on goods,	21	33
	17.	Of Lucius Lyon, to defray the expenses of commissioners in locating Sanilac county site,	105	00
	21.	Of sheriff of Lenawee county, for taxes,	214	00
Nov.	12.	Of W. Hoffman, auctioneer, du- ties on goods,	1	62
	17.	Of H. M. Henderson, to defray expense of commissioners in locating Gratiot county site,	423	00
Dec.	24.	Of William Anderson, sheriff of Washtenaw county, for taxes,	41	12
	26.	Of N. Hubble, sheriff of Mon- roe county, for taxes,	150	00
		Of E. Taylor, sheriff of St. Jo- seph county, for taxes,	293	00
		Of Eben Root, sheriff of Cass county, for taxes,	100	20
		Of H. Pratt, auctioneer, duties on goods,	20	00
		Of H. Neil, auctioneer, duties on goods,	3	00
		Of F. H. Stevens, for this amount over paid him for William H. Griswold,	3	00
	30.	Of L. Goodell, auctioneer, du- ties on goods,	41	03

Carried forward,

D

1836.	Brought forward,	\$	\$
Dec. 30.	Of J. M. Willson, sheriff of Wayne county, for taxes,		800 00
	Of H. Doty, auctioneer, duties on goods,		146 24
			<hr/> \$117,544 74

Recapitulation.

Loans,	\$110,000 00
Taxes,	5,611 93
Auction duties,	697 29
County sites,	1,202 77
A. H. McKinstry, fiscal agent,	32 75
	<hr/> \$117,544 74

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 31, 1836. }

*Abstract of Receipts and Expenditures of the State of Michigan
for the year ending December 31, 1836.*

<i>Receipts</i> —From Loans,	\$110,000 00
“ Taxes,	5,611 93
“ Auction duties,	697 29
“ County sites,	1,252 77
“ A. H. McKinstry, fiscal agent,	32 75
	<hr/> \$117,544 74
<i>Expendts</i> —For Ordinary purposes,	50,301 26
“ Extraordinary do.	38,631 78
“ County sites,	1,481 62
	<hr/> 90,414 06
Balance on hand,	27,130 68
	<hr/> \$117,544 74

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
 Detroit, Dec. 31, 1836. }

State of Michigan to Henry Howard, Treasurer, on account of the Contingent Fund, under the direction of the Governor of the state.

DR.

1836.

June 30.	To paid John Norvell his account for postage, due on letters received and sent on official business, by the Executive and Secretary of State, from 1st January to 30th June, 1836,	\$49 44
Sept. 10.	Wm. H. Griswold's account for copying the Governor's message and laws of the state,	15 00
	James Chambers' account for services in the Executive office and office of the Secretary of State,	15 00
Oct. 21.	Account for fuel for Secretary of State and Treasurer's office,	30 00
Nov. 23.	L. L. Morse's account for stationery for Executive office,	14 01
28.	John S. Bagg's account for printing the laws of the state,	1,595 00
Dec. 31.	Balance to new account,	281 55
		<hr/>
		\$2,000 00

CR.

1836.

July 7.	By this amount appropriated by "Act approved March 28, 1836,"	\$2,000 00
Dec. 31.	Balance on hand this day.	281 55

HENRY HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, Dec. 29, 1836. }

(No. 6.)

Report of the Committee of the Senate relative to Printing, &c.

The committee appointed on the part of the Senate to confer with a committee on the part of the House of Representatives in relation to the necessary printing required by both houses of the legislature, have performed the duty assigned them, and have instructed me to report on the part of the Senate:

That Mr. Bagg, the printer of the Senate, had his office containing his whole printing establishment, consumed the night before last by fire; notwithstanding this calamity, he has made such

arrangements as to print the daily journals on sheets of paper, to be laid on each member's table in the morning: he will also print all reports, bills, and other legislative documents, with the usual facility.

He will print a weekly paper, commencing the next week, of the size of the weekly Free Press, to contain a summary of the proceedings of both houses of the legislature, from which advertisements are to be excluded, with the exception of such as are for legal purposes.

The committee therefore recommend the adoption of the following resolution.

Resolved, That the Senate accept the terms proposed by Mr. Eagg.

JOHN McDONELL *Chairman.*

(No. 7.)

Report of the Superintendent of Public Instruction of the State of Michigan.

OFFICE OF SUP'T OF PUBLIC INSTRUCTION, }
Marshall, December 29, 1836. }

To the Legislature to be convened at Detroit on the first Monday of January, 1837 :

The Superintendent of Public Instruction, in pursuance of the requirements of the act, approved July 26, 1836, has the honor to submit the following

REPORT.

Article tenth of the state constitution has the following provisions in regard to education :

Sec. 1. Authorizes the Governor to appoint, by and with the advice and consent of the legislature, a Superintendent of Public Instruction.

Sec. 2. Authorizes the legislature to encourage the promotion of learning, and apply the interest of the proceeds of all lands granted to the state for primary instruction, inviolably to that object.

Sec. 3. Makes it the duty of the legislature to provide a system for the organization of common schools; and allows the withholding from any district that does not keep up a school at least three months in each year, its equal proportion of the interest of the public funds.

Sec. 4. Enjoins it upon the legislature to provide for the establishment of libraries, one at least in each township, and appropriates the proceeds of all fines for any breach of the penal laws, and all moneys paid for exemption from military duty, to the support of said libraries, whenever established.

Sec. 5. Requires the legislature to make some disposition of the lands granted to the state for the support of a university, and invest the proceeds in a permanent fund; the interest to be applied to the support of said university, with such branches as the public convenience may demand.

The only law passed under this article of the constitution, is the act to define the duties of the Superintendent of Public Instruction, approved July 26, 1836, which provides as follows:

Sec. 1. Requires of the Superintendent an inventory of all the lands and property reserved to the state for the purposes of education.

Sec. 2. Requires his views to be given in writing, relative to the further disposition of said property.

Sec. 3. Makes it his duty to prepare a system for common schools, and a plan for a university and its branches.

Sec. 4. Makes it his duty to require of all officers who have charge of school lands a statement of their condition, location and value.

Sec. 5. Makes it his duty to require of school directors reports of the state of their respective districts.

Sec. 6. Makes it his duty to embody said reports, and transmit the same to the legislature.

Sec. 7. Authorizes the Superintendent to hold correspondence with members of literary institutions.

Sec. 8. Authorizes the Superintendent to take charge of those lands reserved for education, where no officers have been appointed for the purpose, and preserve them from waste.

Sec. 9. Authorizes the Superintendent to receive the proceeds of certain fines in the several counties, and retain them, subject to the direction of the legislature.

Sec. 10. Requires him to give bonds to pay over, on demand, all moneys received by virtue of his office.

Sec. 11. Fixes the amount of his salary and terms of payment.

Sec. 12. Forbids his holding any other office, or attending to the business of any other profession.

These provisions of the fundamental and statute law, on the subject of education, have been recited, that what has thus far been accomplished by the state might be exhibited in one connected view, and also for the purpose of presenting the basis on which this report is founded.

To enter upon a high career of improvement as a state, is undoubtedly an object of paramount importance. It is so because

it involves the reputation of the state, and also the highest good of present and coming generations. If we would preserve inviolate the sacred principles of liberty—of liberty, civil and religious—if we would perpetuate free institutions; if we would hand down to those who are to come after us a constitution, government and laws, based upon the essential and imperishable rights of man; if we would rear a superstructure of elements more durable than crowns or pyramids, we must dig deep and lay broad and permanent the foundations of knowledge and virtue. In an educated and virtuous community, there is safety; the rights of individuals are regarded, and property is respected and secure. Every man sits quietly and peaceably under his own vine and fig tree, regaling himself with the fruits of his own industry and labor. Justice, truth and equity are the glory of a nation, but these attributes of virtue are not to be found among an ignorant and vicious people. Generally speaking, the child uneducated in knowledge and virtue, is thoroughly educated in the school of depravity. And what is true of the individual, is true of communities. It may safely be assumed as a fundamental principle in our form of government, that knowledge is an element so essential to its existence and vigorous action, that we can have no rational hope of its perpetuation unless it is generally diffused. Unless, indeed, the corner stone of the social edifice is laid upon the intelligence and virtue of the people, it cannot stand. Without education, no people can secure themselves against the encroachments of power. Superstition and ignorance furnish the raw material of despotism; for there is nothing to prevent the tyranny of the sword, where the mind is degraded and the many unacquainted with their rights and powers.

In the attainment of an object of such magnitude, so grand and comprehensive as a nation's welfare, prosperity and happiness, universities may be highly important and academies of great utility, but primary schools are the main dependence. Nothing else can secure the great mass of the people against legalized oppression; nothing else can retain them in the full possession and enjoyment of all their rights, privileges and immunities, as men—as rational beings, endowed by their common Creator with the high attributes of moral agency and freedom of choice, and the essential prerogative of self-government. How valuable soever high seminaries of learning may be, we cannot rely upon them for instructing the great body of the people, because they are to be found only in the primary schools. And hence these demand the first attention. They ought to be the foundation of our whole system of public instruction, as they are indeed the chief support of all our free institutions. On no pretence whatever must this basis be suffered to decay and crumble. Should it ever be al-

lowed to moulder into dust, the political superstructure raised by the wisdom and treasure, and consecrated by the blood of honored sires, will totter to its fall when it is too late to apply a prop; disorder and confusion and impending ruin will be at the door, and upon us, when it shall be too late either to take alarm or to escape with life. It is therefore of the first importance that this foundation be laid deep and firm, not only in the constitution and laws of the country, but also in the warmest affections of our people. We have undertaken, before the face of the world and in the light of heaven, to govern ourselves; and to do it without the intervention of lords or kings. We have chosen that the sovereign power shall be retained in hands of the great majority of the people, because, whenever it has been lodged with the few, it has uniformly been converted into an engine of tyranny. With us, the will of the many is the supreme law of the land, and it is generally obeyed.

To protect us in our rights and dearest interests, we trust to public sentiment, and we are perfectly confident that an enlightened public opinion is all-sufficient to cure evils and avert dangers. In this position we are sustained by the history of the past. Nearly all the important and salutary reforms ever effected in governments, have originated with the great multitude of the people, and have been accomplished by them in spite of the opposition of the privileged few, the lords spiritual and temporal, who have generally exerted all their energies to perpetuate existing abuses. Among other nations, especially where ignorance prevails in the body politic, violent commotion, anarchy and bloodshed have often followed in the wake of a mere change in the administration of government, whilst we procure reforms and effect quiet revolutions at many of our important elections. Reposing under the standard of civil and religious liberty, we offer to the oppressed of every clime a safe retreat. The approach of no one to our shores is forbidden. We share the rich inheritance of our fathers, and the wide domain of our country, with people of every other land. This is the boldest experiment upon the stability of a government ever made in the annals of time. And after having been in "the full tide of successful experiment" for more than half a century, we hesitate not to believe that our own system is feasible and safe. However unpretending and simple in form, our government is nevertheless effective and perfect. It proceeds from the people—is supported by the people—and depends upon the people—and at the same time restrains and controls the people more effectually than the most rigid system of despotism. But how is this political fabric to be preserved? Only by the general diffusion of knowledge. Children of every name and age must be taught the qualifications and duties of American citizens, and learn in early life the art of self-control—

they must be educated. And to accomplish this object, our chief dependence must necessarily be the free school system. "No lover of our republican institutions, no friend to the best interests of man, can regard it with indifference. The cause of national liberty and sound morals, and the cause of education, have one common bond of union. They must stand or fall together. It is only by promoting the latter, that we can lay the foundations of our happy institutions, broad and deep, and erect a superstructure of enduring strength."*

It has been said, and rightly too, that common schools are truly republican. The great object is to furnish good instruction in all the elementary and common branches of knowledge for all classes of the community; as good indeed for the poorest boy of the state, as the rich man can furnish for his children with all his wealth. The object is universal education—the education of every individual of all classes—"the only solid basis of true equality." The great thing which has rendered the Prussian system so popular and efficient, which has so strongly attached it to the hearts of the people and made it an essential element of the social state, is its truly democratic character. The system itself originated with the people, and was supported by the people in various parts of the country long before it was sanctioned by the government. Almost every feature and every material principle had been tested by large portions of the people, before the present law was promulgated. All that the government did, was to arrange the materials already existing into one harmonious whole, and extend the benefits of the system to all parts of the kingdom. For this the government is worthy of praise; yet even here there is an abatement in the more than probable fact, that the force of public sentiment compelled the government to adopt the system. But how many have sounded the praises of the "military and despotic government of Prussia," for originating a system of school instruction, which commenced and grew up with the people! which is still sustained and carried forward by the people. Even now, the committees of all the primary schools, who are entrusted with their sole management and care, "are chosen by the inhabitants of the communes." In this case, as in some others, the late politic King of Prussia made the will of his people the rule of his government and the law of the land; and this is the secret of its successful operation. It is this democratic feature of free schools, which has nurtured and preserved pure republicanism in our own land. In the public schools, all classes are blended together; the rich mingle with the poor, and are educated in company. And in their sportive gambols, a common sympathy is awakened, all the kinder sensibilities of the heart are excited, and mutual attachments are formed, which cannot fail to exert a soothing

* Dr. Reynolds, American Institute of Instruction, Lect. 1833.

ing and happy influence through life. In these schools the poor are as likely to excel as the rich, for there is no monopoly of talent, of industry and acquirements. It was the ceaseless application and untiring perseverance of Franklin, and not his wealth, which raised him to the highest eminence in fame's proud temple. It is this system, indeed, which brings forward and elevates to places of distinction a due proportion of that class of citizens, which the Romans called new men—men who owe nothing either to birth or fortune, but all to the free schools and their own exertions. It is this principle of universal education adopted by the pilgrims and cherished by their descendants through succeeding generations, which has given them and their sons pre-eminence in all things—in arts and in arms—in wealth and power. Nothing can be imagined more admirably adapted, in all its bearings, to prostrate all distinctions arising from the mere circumstances of birth and fortune. By means of the public schools, the poor boy of to-day, without the protection of father or mother, may be the man of learning and influence of to-morrow; and he may accumulate and die the possessor of tens of thousands; he may even reach the highest station in the republic, and the treasures of his mind may be the richest legacy of the present to coming generations. Whilst the reverse of all this may be true of the young scion of wealth and power, proud and accomplished as he may be in person, and gifted also by nature with the highest order of intellect, and blessed with the fairest prospects of usefulness, the long cherished hopes of doting parents, and the brightest youthful visions of rising greatness may all be disappointed in some thoughtless moment of ungoverned passion, and his sun go down in the gloom of midnight darkness. Let free schools be established and maintained in perpetuity, and there can be no such thing as a permanent aristocracy in our land; for the monopoly of wealth is powerless, when mind is allowed freely to come in contact with mind. It is only by erecting a barrier between the rich and the poor, which can be done only by allowing the rich a monopoly of learning as well as of wealth, that such an aristocracy can be established. But the operation of the free school system has a powerful tendency to prevent the erection of this barrier. In confirmation of what has been said in regard to the Prussian system, and as a further illustration of the nature and tendency of schools, the following quotation from the report of M. Cbusin, is presented. After having gone over the entire organization of primary instruction in Prussia, he says—"It is impossible not to be struck with its profound wisdom. No inappropriate general principles, no spirit of system, no partial or exclusive views, govern the legislator. It is a king, an absolute king, who issued this law; it is an irresponsible minister who advised or who digested it; and yet we find no injudicious spirit of centralization or official des-

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potism ; almost every thing is left to the parochial department, or provincial authorities ; little more than the general supervision and direction are reserved to the minister. All persons, or classes, who have an interest in the subject, find their appropriate place in this organization, and concur, each in his own manner and degree, to the common end, which is the civilization of the people. On these grounds the Prussian law of 1819, appears to me excellent ; nor is it to be imagined that such a law could be conceived and matured by the wisdom of an individual. Indeed we may almost say, that it already existed in a vast number of partial and detached ordinances, and *in the manners and customs of the country*. There is, perhaps, not a single article of this long law to which numerous anterior regulations did not serve as a groundwork. I find rules as old as the year 1728 and 1736, which comprise a number of the provisions of the law of 1819. The powerful and active superintendence exercised by the church over the education of the people, dates from the origin of the reformation. The authors of a revolution effected in the name of liberty of conscience, must necessarily labor at the emancipation of the popular mind and the diffusion of knowledge. If the course of instruction seems somewhat too full for some places, it must be remembered that it was already surpassed in many others. In short, this law does little more than methodize what already existed, not only in Prussia, but throughout Germany. It is founded on reality and experience, and has for that reason been carried into execution, and produced the happiest results with extraordinary rapidity—in almost every part of the kingdom the reality goes beyond the law."

From the nature of our institutions, almost every man in the community is liable to be called to the discharge of some public trust. Scarcely an individual is released from the obligation of devoting his talents and a portion of his time to the service of the state. And a faithful and honorable discharge of these duties requires a well informed mature judgment ; and other qualifications of a high character, which can be obtained only by a good education. Our citizens are all electors—a high and responsible franchise—nearly all of them are liable to serve as jurors ; many are necessarily incumbents of the various offices of the township, county and state, and of the United States. While simplicity is the highest perfection of our system of government, its security results from the complex distribution of its manifold powers. Its numerous checks and balances secure the citizen in possession of all his rights, preserve the constitution from encroachment, and the government in the vigorous exercise of all its delegated and rightful authority. And though it has oft been decried as a many-headed monster, yet time and experience have shown that the greatest political monster is a government with but a single head,

and that head perchance, a knave or a fool or a madman. Since, then, by the wise provisions of our system, political power is distributed to such an extent that nearly every citizen may be called to share in its exercise, while he submits to its just authority ; how essential that all should acquire that knowledge and those qualifications, which are requisite to the right performance of civil, judicial, and military duties. Not mere intelligence, but actual knowledge, which education alone can furnish, is required in every department of the government, in legislation, in jurisprudence and in the daily execution of the laws. It is required in all business transactions of the day ; in manufactories, in commerce and agriculture ; in the making of roads and canals ; in planning, carrying forward and perfecting other great works of internal improvements. It is also required in architecture and gardening ; in the management of prisons and financial operations. It is moreover required in a special manner in the learned professions ; without knowledge, what would be the profession of law ? of medicine ? of theology and teaching ? While the ardor of patriotism glows in every bosom in this infant and rising state, let those to whom its destiny is committed be induced by all that is sacred in human rights, in life, liberty and happiness, to emulate the noble example of those time-honored sires, who laid the foundation of all our greatness as a people, in schools and other seminaries of learning. And then in the march of time, looking back through the long vista of by-gone years at some centennial celebration, like the one lately witnessed in the land of the pilgrims, will the names of those be held in grateful remembrance, and their works admired and praised, who have borne the burthen and heat of the day in providing good institutions, and preserving unimpaired and handing over to posterity the rich inheritance derived to us from the pilgrim fathers. We need wisdom, and prudence, and foresight in our councils ; fixedness of purpose, integrity and uprightness of heart in our rulers ; unwavering attachment to the rights of man among all our people ; but these high attributes of a noble patriotism, these essential elements of civilization and improvement, will disappear when schools shall cease to exert an all-prevailing influence through the length and breadth of our land.

If we admit, that those now upon the full tide of life have sufficient knowledge and integrity to guide safely the ship of state, yet a few short years must pass it to the guidance and direction of other councils, of other heads and hands. And whether they shall be duly qualified, and possess sufficient skill to keep it in trim and good repair, and pass it successfully on with its precious deposit of free institutions and equal laws to a rising race, depends in a great measure, under the direction of a kind providence, on the course of those who are now intrusted with its care. Our children will soon stand up in our stead ; they will soon enter into

full possession of our inheritance ; they must take what we have to leave, free institutions, equal laws, personal, civil and religious liberty, and the choicest form of government on earth ; improve and perpetuate the same, or pervert and destroy them ; and thereby attach to our names honor or disgrace. It is conceded, as well by the friends as the enemies of our constitution, that it cannot exist and be maintained in its purity, simplicity and power, in the midst of a people generally unenlightened and vicious. The history of the last half century strikingly illustrates the truth of this position. The Spanish provinces of our own continent could break in peices the iron chains with which they were bound ; the people of France could once and again overturn existing despotism ; and Greece could liberate herself from the yoke of Turkish bondage. But they were found to be essentially wanting in that knowledge and virtue which are necessary to establish and maintain free institutions. Hence, notwithstanding all their exertions and sacrifices of blood and treasure, despotism is again triumphant. It is true, they may have bettered their condition, but they are not free. The only question therefore to be solved is—Can any plan be devised by which the principles of virtue and knowledge may be so diffused among the great body of the people, as the existence and perpetuity of our institutions seem to require ? The general impression is, that it may be done effectually by a well digested system of free schools. There is no alternative, this being the only process by which the whole population can be made acquainted with their rights and duties as citizens of one commonwealth. Schools, therefore, as the only efficient means of accomplishing such an object, ought emphatically to be the property and care of the state. To neglect them, would be to neglect the vital energies of the body politic. Hence the government ought so far to assume the direction, as to see to it that the benefit of the school system is extended to all parts of the community. And especially are they bound to see to it, that popular ignorance does not encroach upon the territories of the republic, and cast abroad over its fairest portions and dearest interests a blighting shade. For it is demonstrably certain, that all that is valuable in time, in good government, in a well balanced constitution, in equal and just laws, in civil rights, in liberty of conscience and free institutions, is suspended upon the general diffusion of knowledge. Without education, the fairest fabric ever reared in the long march of time must tumble into ruin ; and its name and memorial become and remain a by-word, a hissing and an astonishment to the nations of the earth. Let ignorance prevail, and superstition and bigotry will soon become lords of the ascendant, and crimes of every species and of the darkest shades will increase and multiply ; and security of property, of liberty and life, is at an end ; and intemperance, injustice and oppression, unterrified and un-

restrained, will revel and triumph at noon-day. Consequently, education is just as important and just as valuable as is the prosperity, freedom and happiness, of a great and growing people.

Education is indeed a subject of immense magnitude. It is not merely as the little hill that can be fully scanned from two or three positions; but like some vast range of mountains, stretching through the length and breadth of some mighty continent; an accurate survey of which can be obtained only by long continued observation and toilsome journeying. It comprises vastly more than is generally supposed; all indeed of the physical, intellectual and moral culture of the man, from the first dawnings of his existence to the termination of his earthly career. When the child first begins to lisp his native tongue, his education has commenced and it is not complete till there is nothing more for him to learn. All that a civilized man is when grown to maturity, more than he is at birth, is the result of education in the widest sense of the term. And he is the best educated man, who has acquired a knowledge of the existence of things, and become acquainted with their most intimate and important relations; and whose faculties, physical, intellectual, and moral, are fully developed in just and equal proportions. The great object gained in all such cases is a well balanced mind, with an extensive knowledge of men and things. Dugald Stuart does not say enough, when he affirms it to be "the great business of education to cultivate the original faculties." This is certainly important; but it is equally so, to be made acquainted with facts, with the existence of things, their relations and dependencies. The first man, as is generally supposed, came into being in full maturity. But what is man, with all his powers in full strength and vigor, without knowledge? Hence the acquisition of knowledge is highly important, and so also is the cultivation of the original powers of the human mind. And these two ends may easily be made subservient to each other. The great object in teaching should be, to impart in a given period the greatest amount of knowledge, and the greatest degree of strength to each one of the original faculties.

If the child is properly instructed, he will be taught thoroughly; and then the knowledge which he acquires will be permanent, and it will be communicated in the shortest time, which is an object of great moment. It is to be recollected in this connection, that the faculties of our constitution are all invigorated by that exercise, which is required in the acquisition of knowledge. But it is equally true that each one must be duly exercised. The improvement of the memory does not necessarily strengthen the power of discrimination, nor does the cultivation of the fancy increase the vigor of the perceptive faculties, nor does logical acuteness add sensibility to the taste. Hence it is the object of the science of education, while it communicates in a given time the greatest

amount of knowledge, to render mind the fittest instrument for discovering, applying and obeying the laws of the universe in which man is placed. The high purposes of education are thus beautifully expressed by an ancient poet—"That our sons may be as plants grown up in their youth; and our daughters as corner stones polished after the similitude of a palace." In the language of the great moralist of antiquity—"It is that which forms and fashions the soul, which gives to life its disposition and order, which points out what it is our duty to do, what it is our duty to omit. It sits at the helm, and in a sea of peril directs the course of those who are wandering through the waves."* It is therefore to be viewed as a general instrument of good, an instrument by which man may have the dignity of co-operating with the all-wise, all-perfect and benevolent Creator, in extending to others the knowledge, virtue and happiness which he is qualified both to enjoy and diffuse. It is hence worthy the highest consideration; and may justly claim the attention of the most gifted minds, and ought to engage the time and talent of the first order of intellect; for it relates to the duties, the hopes and the great destiny of man. It is the noble design of education to invigorate and polish the outward man, to refine the taste, improve the heart, enlarge the understanding—to fit human beings to move in all the varied circumstances of life, with honor to themselves and to be a blessing and not a curse to their fellow men.

It is proposed as a subject worthy the gravest consideration, whether the state can fulfil its high obligation to itself and suffer any to grow up in ignorance. It is apprehended to be the duty of the government to require of all persons, having the care of children, their education. And effectually to secure the accomplishment of this object, they should be required to send them to school the constitutional proportion of each year, between the ages of five and seventeen. It is presumed no shorter period can be asked, as this would be barely sufficient to teach the first rudiments of learning. Every community has a right to protect itself, prevent as well as remove nuisances, provide for its welfare and preserve a healthful and vigorous existence. But these objects cannot be accomplished where families are allowed to grow up in ignorance of their rights and duties as citizens. Being uneducated, they can add nothing to the moral and intellectual power of the state. They will not unfrequently fall a prey to the more knowing of their neighbors; and then abandon themselves to crime. This is undoubtedly the reason why so large a proportion of the inmates of state prisons are found to be without education. If knowledge is power, the want of it is weakness. And it ought to be borne in mind, that the education of the infant mind is far less expensive than the support of the aged criminal. In the Prussian system, parents are required to send their children to the primary schools;

* Seneca.

and it is made the duty of each district to maintain a primary school at its own expense. Says M. Cousin, "This duty is so national, so rooted in all the legal and moral habits of the country, that it is expressed by a single word, school-obligation. It corresponds to another word, similarly formed and sanctioned by public opinion, military-service-obligation. These two words are completely characteristic of Prussia; they contain the secret of its originality as a nation, of its power as a state, and the germ of its future condition. They express, in my opinion, the two bases of true civilization—knowledge and strength. The state has long imposed on all parents the strict obligation of sending their children to school, unless they are able to prove that they are giving them a competent education at home."*

And in all this there is nothing inconsistent with the principles of rational liberty. It is merely providing for the safety of the state, for its health, happiness and vigorous growth. This duty stands on precisely the same ground as the law which obliges all the citizens to be enrolled and occasionally do military duty. It is a wise precautionary measure for the public security. And in the language of M. Cousin, it is to be hoped, "the time will come when popular instruction will be equally recognized as a social duty, imperative on all, for the sake of all." Most certainly nothing can be more desirable, and nothing more reasonable. The object to be attained is the welfare of the individual instructed and the security of the state. To secure this object, the instruction must be given; and hence the state has the right to require the education of all children and youth, and to impose upon all to whom their management and care is committed, the duty of educating them; and if they cannot do it themselves, to send them to the public schools. This is the very spirit and letter of the Prussian law. It allows parents to educate their children themselves, or, if they choose, to send them to a private school. But if they cannot educate them themselves, and do not choose to send them to a private institution, then it requires them to send their children a certain period of their younger years to the public primary schools. And so popular is the school system throughout the entire kingdom, that parents usually anticipate the legal age of sending to school, and generally prolong the time beyond what the law requires. The same system and spirit prevail in some parts of our own country. The system originated in a love of liberty, and in the purest philanthropy; and not in a mere thirst for the exercise of arbitrary power; it is indeed at war with the very spirit of despotism, for it seeks the elevation of every individual of all classes, whereas despotism aims to exalt the few at the expense of the many.

In this view of the subject, it would seem to be immensely important that the public schools be ample sufficient to answer the

M. Cousin's report on Public Instruction in Prussia.

just expectations of humanity and the demands of the state. Unless these schools are adequate to meet the wants of the whole community, private seminaries will be established by the rich, at which only their children can be educated. Let the expense be what it may, the higher classes will provide themselves with schools for their own families; and the effect of this will be to widen the distinction between them and the poor and create an aristocracy of learning as well as of wealth. Such a state of things would give an impetus and an energy to the already commanding influence of the rich, which the poorer classes would be wholly unable to withstand. This overshadowing power in them would soon subject all the other classes of the state to their dominion and control. It is to be remembered also, that if private establishments are better endowed, they will be likely to be more ably conducted; and if so, they will necessarily lead to a depreciation in the character of the free schools, and ultimately to their abandonment. The experience of the older states abundantly confirms this representation. Wherever the liberality and enterprise of individuals have established flourishing private institutions, they have uniformly had a pernicious influence upon the common schools. Instead of being improved and elevated by their proximity to such institutions, they have lost their character and usefulness. In those towns where private seminaries have been located and well sustained, the free schools will be found, without exception, to be in a miserable condition. Where such institutions exist, all whose means will allow them to do it, patronize them by sending their children. This necessarily impairs the confidence of the public in the common schools, and must finally destroy them. The truth is, the system of public schools is the vital principle in the social state, as constituted by us, and must be preserved. But how can it be preserved, when leading portions of community, with men of influence at their head, abandon it and attach themselves to other institutions? The result is, that all who do this necessarily become indifferent towards the public schools, and lose all interest in their existence and welfare. Could they be retained, they might do much towards putting the free schools in the best possible condition. Their intelligence, influence and example, and indeed all their powers would be assiduously employed in promoting the common cause. It may not be consistent with the principles of our constitution to prohibit private seminaries; but it is consistent with both the spirit and letter of our institutions to place the public schools upon high and elevated ground, to make them adequate to the wants of the whole community; to place them on such a footing as to furnish the best instruction, not only in the more common, but in all the higher branches of elementary knowledge; so that those who send to them may have the satisfaction of knowing that their children are receiving as good instruction, as

the wealth of the Indies can purchase, all classes would find it to be for their interest to give them countenance and support. And it must be confessed to be an object of paramount importance to interest the greatest possible numbers in the public schools. Let the state institutions, in all the varied departments of education, be what they may and ought to be, and it will remove the main cause, which has operated to give existence to private establishments. The primary schools should be of the first order, the academies of the highest grade, and the universities assume and maintain a commanding position; and each and all of them be so ably conducted as to give entire satisfaction to all reasonable, unprejudiced minds. With such schools, the rising generation would be thoroughly taught, and the wants of the state adequately supplied. The able superintendent of the New York schools, in his report for the year 1837, speaking of the importance of having schools of an elevated character, says, "The course of instruction in the common schools ought to be adapted to the business of life, and to the actual duties which may devolve upon the person instructed. In a government where every citizen has a voice in deciding the most important questions, it is not only necessary that every person should be able to read and write, but that he should be well instructed in the rights, privileges and duties of a citizen. Instruction should be co-extensive with universal suffrage. An unenlightened mind is not recognized by the genius of a republican government. The constitution of Peru provides, that after the year 1840, no one shall enjoy the privilege of citizenship who is not able to read and write. This is a much more rational qualification for voting than the freehold test which has recently been abolished in this state. In addition to becoming acquainted with the history of his own town, county, state and nation, the scholar should be made acquainted with the laws relating to the "duties and privileges of towns," the manner in which the business of the county is transacted, and the organization and powers of government. As soon as a young man enters upon active life, he is called upon to discharge the various duties of a citizen, and the necessary instructions to qualify him for an intelligent discharge of duties, so important to himself and his country, should form a part of his education. It is important that the rising generation should be well instructed in the history of their own country; those who are to be the future guardians of our free government should be made acquainted with the toil and suffering which it cost to establish the liberties which they enjoy. In perpetuating the example which our country offers to the world, that man is capable of self-government, it is vitally important that the means should be afforded in the common schools, of acquiring a sound knowledge of the principles and acts of the revolution, of the cause and consequence of

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independence. A history, every incident of which has a tendency to inspire a reverence for the institutions of our country, ought to be "familiar as household words" to those on whose intelligence and patriotism the future hopes of the republic are based.* But how are these high objects of education to be attained, unless the public schools are adequate to furnish the instruction required?—Individuals may educate their own families, but they cannot educate the great public. To do this effectually, will require the concentrated wisdom and energy of the whole state.

But the most perfect organization of the entire system of schools, in all the varied departments of instruction, must fail of securing the desired results without a sufficient number of competent teachers. In a memorial of the American Institute of Instruction to the Massachusetts legislature, it is affirmed to be "an evident and important truth, that no school can be essentially improved but by the improvement of the teacher. All other things are, in comparison, of little consequence. Children of the best parents, in the best constructed school-house, under the most favorable circumstances, will lose their time if given over to the management of an incompetent teacher. This improvement is therefore at the bottom of every other." The committee of the house on education thus respond to this sentiment.—"It is believed by the committee that an appropriation of a portion of the income of the fund to the education of teachers upon some well devised plan, would do more for the cause of public instruction than almost any innovation on the existing institutions that could well be imagined." And again—"Your committee believe they do but respond to the nearly unanimous opinion of this house, as well as of the people whom they represent, when they express their own conviction, that there is no class of the community upon whom its highest interests more essentially depend, than upon teachers of schools. They hold in their hands the hopes of the present and the strength of the coming generation. They stand at the very springs and fountains of civil liberty, to poison or purify its waters." The present distinguished superintendent of the New York schools, says—"Our common school system has been but a few years in operation, and it is only recently that it can be considered as having gained a solid foundation. In building up and bringing to perfection its external organization, the internal condition of the schools has in some degree been neglected. The only material defect of the system is the want of competent teachers. There is danger that they will never answer the ends of their institution, if the teachers, the body of men who are relied on to infuse into them the moral and intellectual improvement which constitutes the vital principle of the system—are not fully adequate to the task."† Without competent teachers, the most perfect system of

* Hon. A. C. Flagg. † Report of 1836.

external organization must be powerless—must certainly fail of accomplishing its object. The truth is, education is to be regarded as a science and an art; it is a science, for it has its distinct subject, its distinct object, and is governed by its own peculiar laws; and has, like other sciences, its corresponding art—the art of teaching. Hence results the profession of teacher; the most numerous of any in the country. But how little understood is either the science or the art? and how little esteemed is the profession of teacher? And how can it be otherwise? If education is a science, how is it to be understood without study? and if teaching is an art, how can it be successfully practised without suitable preparation? How then can the profession of teacher be esteemed, if men generally enter it who know little or nothing of either? No man is supposed to be acquainted with any one of the sciences, who has not thoroughly investigated it; nor is any one thought to be qualified to enter the profession with which that science is connected, and practice its corresponding art, who has not become intimately acquainted with its duties. Men are not often thought to be fit to enter the learned professions, who have not thoroughly studied the sciences on which those professions are based. It may hence be pertinently asked, “On what principle of common sense is it that a man is considered good enough for a teacher, because he has satisfactorily proved himself good for no one thing else? Why is it, that the utter want of health to exercise any other profession, is frequently the only reason why a man should be thrust into this, which requires more active mental labor in the discharge of its duties, than any other profession whatsoever? Alas! it is not by teachers such as these that the intellectual power of a people is to be created. To hear a scholar say a lesson, is not to educate him.”* Why is it that, in the lapse of ages, the very name of Greece is still surrounded with undiminished effulgence? It is not because of the powers and fame of her commanders and chieftains—of her Miltiades, Leonidas and Cimon; it is not because of the unequalled splendor and comet-like glare of her military achievements and conquests; but it is because that in the days of her intellectual glory and greatness, Socrates and Plato, Aristotle and Zeno, were teachers of her youth. They were stars of the first magnitude in that peerless constellation of genius, which still shines thus resplendently upon the land which gave them birth; and the light of which has, through all succeeding ages, been reflected upon every clime where civilized man has found a home. What a contrast when presented in connection with many of the teachers of our day! Instead of being all light as they should be, and capable of emitting it; from their extreme opakeness, they scarcely shine with even a borrowed lustre. It is utterly impossible to elevate the schools, and make them what they ought to be and must be, to meet the just demands of all classes of community, without ele-

* *Pres. Wayland's Dis. before A. I. I., 1830.*

vating the character and rank of teachers. And to do this effectually, they must be thoroughly educated and bred to the profession. In the Prussian system, the greatest attention is paid to this subject, it being justly considered that nothing to the purpose can be done without competent teachers; and consequently no person is allowed to enter the profession, who cannot prove himself to be thoroughly qualified to discharge its duties. It appears from the report of M. Cousin, the French minister of public instruction, and also from the answers of Dr. Julius, commissioner from the king of Prussia, who lately passed through our country, to questions proposed to him by the superintendent of the New York schools, that there is scarcely an individual of the thirty thousand teachers employed within the limits of the kingdom, who has not spent, after passing through the common elementary branches as taught at the primary schools, three years at some one of the teacher's seminaries to qualify himself to discharge the duties of the profession. With such a body of teachers, the schools must flourish, nothing can prevent their successful operation. Such teachers we need and such teachers we must have in our schools, or they will never answer the end of their institution. "There can be no doubt that the superiority of the celebrated Prussian system results from the care bestowed upon the department of teachers. In that kingdom, as before suggested, a distinct class of schools is appropriated especially to the education of teachers; and the masters of the common schools are all taken from among the persons educated in these seminaries. In the state of New York, the same system has been recently adopted in a somewhat different form."* On the recommendation of a committee of their own board, the regents of the university have, within the two past years, appended to eight existing academic institutions, a department expressly for the education of teachers. And the subject is urged upon the attention of the public by the Hon. John A. Dix, present superintendent of common schools, with distinguished ability and zeal. In the system which we, as a state, may adopt, it will be highly important to make such provisions as will infallibly secure a sufficient number of competent teachers. It will be essential to make teaching the business of men, and then men will be found to do the business of teaching. No doubt, as things now are, it will be thought to be difficult, if not impossible, to find a sufficient number of persons qualified for the employment, or who will venture to engage in preparing themselves for it. But why should it be so? teaching is a noble employment; why then such a deficiency of good teachers? Says the Hon. A. C. Flagg, former superintendent of the New York schools, "The principle reason is to be found in the unwillingness on the part of school districts, to make adequate compensation to

* Report of the Com. on Ed. to Mass. H. R., 1835.

teachers of approved talents and qualifications. How else does it happen that at a time when the merchant is overstocked with clerks, and the professions of law and medicine are thronged with students, there is such a lamentable deficiency in the number of those who have the inclination and the ability to engage in the business of instruction? Is it not to be ascribed to the more liberal encouragement offered by other employments, compared with the compensation of school teachers? Institutions for the formation of instructors are desirable; but the education of teachers would be unavailing, unless the districts could appreciate the importance of affording such compensation as would command their services. Other causes may have their influence, but the seat of the difficulty may be traced to the disinclination in the districts to make adequate compensation for the required talents. This is demonstrated by the fact, that those districts which adopt a liberal course, have able teachers and good schools. The business of education should be committed to the best talents in the country; and it is in vain to think of procuring the choicest fruits, without paying the market price.* Mr. Dix, the present superintendent, uses similar language. He says, "so long as the wages of teachers were extremely low, men of talents would not devote themselves to the business of teaching, nor could they afford to fit themselves for it by a regular course of preparation. The rate of compensation for teachers is gradually advancing; in some parts of the state, good wages are paid, and many individuals are preparing themselves for teaching as a permanent vocation. As they find employment, the demand for them will increase; for as the benefits of instruction by a well trained teacher become apparent, the influence of the example will extend to neighboring districts; and these causes acting reciprocally upon each other, cannot fail to produce important effects."† It is hence obvious that the great reason why there has been such a deficiency in the number of qualified teachers, is to be found in an unwillingness on the part of the inhabitants to pay such wages as to secure the services of individuals of the required talents and qualifications. If so, it is confidently believed to be within the power of the state to obviate the difficulty. Let teachers be paid as they ought to be, let them receive such compensation as will remunerate them for their services, and sufficient numbers will be found to fit themselves for the business of teaching. And to secure their employment when fitted to teach, let the provisions of the law be such, that no township shall be entitled to any portion of the income of the public fund, which does not employ thoroughly educated teachers. It has been suggested, that no man ought ever to be considered as qualified to teach a school, whose time is not worth at least thirty dollars per month; and that no female ought to be engaged

* Report of 1827.

† Report of 1836.

in this work whose services are not worth fifteen dollars per month. This suggestion is certainly worthy of consideration; and it is also worthy of consideration whether it will not be expedient to fix on a minimum price, below which no teacher shall be entitled to receive aid from the avails of the public fund; and to provide prospectively that every teacher of the public schools shall have been through a regular course of training, and received from the academic board a diploma, setting forth his qualifications as a teacher. Could the people be aroused, and public sentiment set right on this subject, it is presumed no township would purchase the cheap commodity, which is generally worse than nothing, when that which is valuable is to be had. By adopting and pursuing new methods of instruction, methods obviously based upon the first and simplest principles of human nature, a child may acquire as much knowledge and strength of mind at the age of thirteen years, as is now ordinarily gained at twenty. Here, then, would be a clear gain of seven years in the most active and interesting period of human life, to be devoted, either to the service of the parent, or to further improvement and culture. But an object so desirable and important is not to be attained by the course which is now generally pursued; for the plan is bad, and the execution worse. Nor can it be amended, until education, which is the training of the entire person, the exciting, developing and strengthening, by suitable exercise, every faculty and organ of the system, is placed under the direction of those who have a competent knowledge of human nature. "Place the business of education, where it ought to be, among the most honorable and profitable employments, and the work will be done. Talents of the highest order, united to the requisite knowledge, and all other suitable qualifications, will then be engaged in it, and the issue will soon appear in a striking improvement of the educated portion of the human race."* The almost universal employment of incompetent teachers is a waste of money, a waste of time, and a waste of intellect; the greatest conceivable outrage under the name of benevolence and duty, that can be perpetrated upon the rights and dearest interests of the rising generation, tending directly to moral as well as political degradation and slavery. Whatever system may be adopted, and however perfect in form, it will prove itself essentially defective, unless it provides a sufficient number of teachers, well educated and bred to the profession, men qualified and competent, men who can elevate and leave their mark upon their pupils. And such teachers may be had. Nearly all Germany is supplied with such teachers.—And efficient measures will soon furnish us with a full supply, unless indeed intellect degenerates in this western world. Such schools for the education of teachers as exist in Prussia and New York, will furnish them. After a long

* Dr. Caldwell on Temperament, of Transylvania University.

visit to, and examination of, the grand normal school at Potsdam, M. Cousin says, "I ought to add that all the students had a cheerful happy air, and that their manners were very good. I quitted the establishment highly satisfied with the students, full of esteem for the director, and of respect for a country in which the education of the people has reached such a pitch of prosperity. I have designedly accumulated official papers, from the conviction that it is impossible to collect too much information on a point on which depends the whole of primary instruction. In fact, from the moment the law has compelled each *commune* to have a primary school, nothing remains but to furnish them with masters. Now the normal schools of Prussia prove that it is possible, in a very few years, to bring these establishments to a remarkable degree of perfection. Most of them are posterior to the law of 1819, some are as late as 1825, and thus three or four years have sufficed to place them on solid foundations, and to enable them to render important services. To effect all this, little is wanted on the part of the minister, but a firm hand and the determination to be obeyed; success depends on a very small number of rules, inflexibly adhered to. I have already remarked, that as every *commune* must have its primary school, so every department must have its primary normal school. If the same law which shall render the former imperative on the *communes*, should render the latter equally imperative on the departments, we should have made a great advance."* Substituting district for commune, and county for department, with other necessary modifications, and the system here proposed to the minister, as suited to the condition of France, may be adopted by us with equal advantage.

In other respects also, there is need of improvement in the application and expenditure of money. Vast sums are yearly squandered to no purpose. If the books selected consist of extracts and compilations, wholly unsuited to the capacity of children; if the house is cold, or crowded, inconvenient and uncomfortable; and especially if given over to the management of an incompetent teacher, the school becomes a scene of anarchy and confusion, and all is waste; the young mind becomes disgusted with books and schools and teachers, and hates learning for ever after. There is need also of improvement in the selection of school-house sites; it is not as many seem to imagine, a matter of indifference where the school-house is located. It ought to be the most healthy and attractive spot within the circle of the district, just regard being had to convenience. The buildings should be spacious and warm, and well ventilated, with a yard suitably enclosed for playful exercise. The entire premises, with all the appendages thereunto belonging, the construction of the house and its internal arrangements, should be a picture of order, of neatness and comfort; and present to the youthful mind a pleasing lovely aspect. It should

* Report on public instruction in Prussia.

be an enchanting spot, sheltered alike from the cold blasts of winter, and the summer's scorching sun; a place of love, of kindness and good will; and not a place of whips, consternation, despotism and terror. Let all be, in and out of school, as it should be, and the young mind is led daily to contemplate the usefulness and beauty of method, which cannot fail to produce a refined taste, with habits of order. But these topics in regard to the internal condition of schools, their government and order—the branches to be taught—the books to be used—the improvements which may be introduced in the methods of teaching—what defects are to be supplied—what evils to be remedied—the comparative advantages and disadvantages of different systems, especially of the monitorial—and various other matters pertaining to schools, will naturally and necessarily come up for consideration, when some general system for the external organization, shall be perfected. The foundations must be laid, and the frame work completed, before the edifice can receive its finish in the internal apartments.

In the distribution of the income arising from the school fund, it will be highly important to adopt such principles as will have a strong tendency to stimulate to exertion, and secure the co-operation of the greatest numbers in promoting the cause of education. It is confidently believed, that the distribution from year to year may be so made, as will infallibly secure the interest of the great mass of the people in the welfare of the public schools. The reception in each of the townships yearly, of one dollar or more per scholar, cannot fail of producing important results. But as the success of the system will materially depend on an efficient organization, it is worthy to be considered whether any township ought to be entitled to its proportion of the income of the fund, which does not comply with the provisions of the law, and maintain an efficient school board. Upon the wisdom, fidelity and zeal of this board, the success of the whole system will in a great measure depend. They will be called on to decide on the qualifications of teachers; and consequently to fix the standard of education in their respective townships. If this standard is low, the schools must suffer an irretrievable loss. For the maxim of the Germans is strictly true, "As is the master so is the school." If his capacity is small, and his acquirements small, he will lull to sleep rather than wake up the energies of the youthful mind. Should he prove to be a man of passion, he will inspire fear, rather than a love of knowledge. It will therefore be within the power of the board of inspectors to aid greatly in raising the standard of education. And as this board must be supposed to represent the sentiment and feeling of the communities, in which they respectively reside, it will be essentially important to impress upon the townships the necessity of maintaining an efficient board of school inspectors. Let their powers be ample, and let them be adequately

sustained in the discharge of their duties, and the work will be done. And then the fruit will be, a well educated and vigorous people—a people trained in the school of knowledge and virtue—a people understanding their rights and capable of sustaining them.

Whatever form of external organization it may be thought best to adopt, it will be remembered that the system cannot be executed without agents. And as already intimated, on the number, activity, and energy of these agents, will the success of the system depend. Much must necessarily be committed to them, and left to their management and care. It is worthy of remark, that they will be intrusted with executive and not legislative powers. These agents will be the trustees of the people, deputed to fulfil certain important trusts. They will not be makers, but officers of the law; it will be their duty to do its bidding. To insure success, we must have simplicity combined with activity and energy. Hence the number of the agents should be just enough to secure these desirable ends. If there are too many to do the work, it will not be done. In such a state of things, there will sometimes be neglect, and sometimes confusion, rather than decision, efficiency and action. It is therefore submitted, as worthy of deliberate consideration, whether it will not be best to reduce, from what they now are, at least one-half the officers of the district and township organization. Let the agents be few, let their duties be clearly defined, and then let them, as in the Prussian system, be paid for their services. Whatever may be thought of the Prussian government, so strong is the sense of justice in that people, that they have no idea of taking the time and labor of individuals, and applying them to the public benefit, without compensation. And it is conceived to be equally against the spirit and letter of our constitution, to require the services of any without paying them for what they do. The time of every man is his property, and cannot either justly or constitutionally be taken and given to the public without remuneration. Hence, when the good of the public calls any of its members to the discharge of important duties, let them be paid for their labor. In this view of the subject, it will not be advisable to employ more agents in the school system than will be sufficient to insure its success. To employ more than enough, would be to impose an unnecessary burden, whether paid or unpaid. In conformity to these principles, the following plan for the organization of schools is respectfully submitted.

1. Primary school districts—their rights, powers and duties.

Each school district shall be endowed with the powers of a body corporate, with the right of suing and being sued. Each district shall have the power, and it shall be the duty of each, to select a site; and when necessary, to sell, and select anew; to provide materials and erect a school-house, and keep the same in repair. It

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shall be lawful for the inhabitants of each school district, to provide for their house the necessary appendages, such as fuel, a broom, water-pail, wood-shed and out-house; and to inclose with a suitable fence, the yard belonging to the school-house. And for these purposes, each district shall have the power to raise the necessary funds by levying a tax upon its inhabitants, not exceeding, at any one time, \$500. It shall be lawful also for each district to raise by tax \$10 annually, for the purpose of founding and increasing a district library; and also to levy a sufficient tax to procure a suitable library case, to designate where the library shall be kept, and by whom, and the terms on which books shall be let out and returned. Each district shall have the power, and it shall be the duty of each to meet annually on the first Monday of October, to transact such business as shall be brought before it, and organize for the ensuing year by choosing the officers hereinafter mentioned. In case of the failure of a district to meet on that day, it shall be lawful for any three legal voters of said district to call a meeting by giving five days' previous notice. And in case of the formation of a new district, it shall be the duty of the officers by whom it was formed, to send within twenty days of the time of the formation of said district, a written notice to a legal voter of the district, designating the boundaries of the same, and the time and place of the first meeting. And it shall be the duty of the person so notified to give notice to every legal voter of the district of said meeting. Should he neglect to give the notice as required, he shall forfeit and pay to the district the sum of \$25. Whenever this shall happen, it shall be the duty of the board, forming the district, to send the like notice to another legal voter of said district, whose duty and liabilities shall be as above. All notices of district meetings, except the first, shall be posted upon the school-house door; but when any district is destitute of a house, the notice shall be posted up in the most frequented and central place. It shall be lawful for each and every district, at the annual meeting, to determine the length of time, not under three months, the school shall be kept; and how much money, in addition to its apportionment, shall be raised for the support of its school the ensuing year—the sum so voted not to exceed in any one year sixty dollars. And it shall be lawful for the district to pay the director for his extra services.

2. Primary school district officers, and their duties.

At each annual meeting of the respective districts, a moderator shall be chosen, who shall hold his office during the year, or till another is chosen. It shall be his duty to preside at all meetings of the district, and call special meetings on the written request of five legal voters of said district. It shall be his duty also, to sign all warrants for the payment of moneys collected within the dis-

trict, for the purposes heretofore specified, and countersign the warrants drawn by the school director upon the acting township treasurer for the moneys apportioned to the district by the township board of school inspectors.

At the annual meeting also, a school director shall be chosen in each district, who shall hold his office for the same term of time as the moderator. It shall be his duty to register all the doings of the district, all its votes and resolves, to employ teachers, see them examined, and paid by drawing upon the township treasurer for the money apportioned to the district. And whenever there shall not be sufficient to pay the teacher employed, the director shall call a meeting of the district board for the purpose of levying the balance upon the taxable inhabitants of the district, not exceeding the sum voted by the district at its annual meeting. It shall be his duty to collect all moneys levied upon the inhabitants of the district, and pay them over on the warrant of the moderator. Within ten days of the time of his election, the school director shall take the census of his district, by registering the names of all belonging to it, between the ages of five and seventeen years. A copy of this registration it shall be his duty to furnish to the teachers employed within the district, for the purpose of noting the time each one may attend; and it shall be the duty of each and every teacher to keep an exact account of the time of attendance of each scholar. It shall be his duty also to provide the necessary appendages for the school-house, and see to it that it is kept in good condition and repair;—and at the end of the year, report to the township board of inspectors the number of scholars, the time the school has been kept, the amount of money received from the acting township treasurer, the amount raised within the district by taxes, and for what purposes; and also the branches taught in the school. Said report to be forwarded to the office of the township clerk, on or before the day of the annual meeting.

Also at each annual meeting of the district, one assessor shall be chosen for the same term of time as the moderator and director. It shall be his duty, together with the moderator and director, to levy and assess upon the inhabitants all taxes voted by the district. They, the moderator, director and assessor, shall constitute a board for this purpose, and also for the purpose, under the direction of the district, of selecting a site, estimating the expense of building, and building when so directed. All suits brought by or against the district, shall be brought in the name of the moderator, director and assessor of school district number , of the township of , in the county of and state of Michigan.

At each annual meeting of the respective districts, a vice-moderator, director and assessor shall be chosen, for the purpose of

discharging the duties of those officers in case of the death or removal of any one of them. They shall not act in any case, except on the death, or removal from the district, of any one or all of those officers, for whom they stand respectively as substitutes. In that case, and in that alone, the alternates shall discharge the duties of their respective principals.

3. *Township officers, board of School Inspectors.*

There shall be chosen at the township election, three school inspectors, who shall hold their office until a new election. They shall be chosen in the same manner, and qualify as other township officers, and be known as the township board of school inspectors. Within ten days of their election, they shall meet at the office of the township clerk, and appoint one of their number chairman, and one secretary; the chairman shall preside at all meetings of the board, and the secretary keep a minute of all their proceedings and acts, which minute he shall sign and hand over to the township clerk, to be recorded by him. And the doings of all subsequent meetings shall be transacted in the same manner, and recorded by the township clerk. The board of inspectors shall have power, and it shall be their duty to form new districts, to regulate the boundaries of those already formed, when in their judgment the public good shall require a change, to inspect teachers and each of the schools at least twice in the year, once at the close of the summer, and once at the close of the winter term. It shall be their duty to apportion the money, derived to their respective townships from the income of the school fund, as well as that which is raised by their several townships, among the different districts entitled to a portion of the same, and to notify the acting township treasurer of the amount to be paid to each district; and it shall be the duty of said treasurer to pay the same on a warrant of the director, countersigned by the moderator. On or before the first Monday of November, in each year, they shall make out from the district reports a consolidated report, and forward the same to the Superintendent of Public Instruction. And for their services, they shall present their account to the township board, to be passed upon and paid as other accounts. In case of the death or removal from the township of any one of the inspectors, the township board shall fill the vacancy.

4. *Townships, and their duties.*

To entitle any township to its apportionment of the income arising from the school fund, said township shall, at its annual meeting, raise by vote a sum equal to the amount to be received; said amount to be levied and assessed, and collected in the same

manner as other township taxes. Also, to entitle any township to receive the apportionment, it must choose annually its board of school inspectors, and see to it that the duties enjoined on them by the law are fulfilled. Every township, complying with these provisions, shall be entitled to receive of the income of the public fund, in proportion to its number between the age of five and seventeen years. In case of the division of a township, the money that would have gone to it, as a whole, shall be divided between the two until a new census. And in case of the formation of an entire new township, it shall be entitled to receive according to the best estimate that can be obtained of its number of inhabitants between the ages above named, which never can exceed more than one apportionment in any case.

Libraries.

The constitution authorizes the legislature to provide for the establishment of libraries, as soon as the circumstances of the state will permit; one at least in each township. Township libraries would undoubtedly prove beneficial to the public interests, but their benefits must necessarily be confined more generally to the immediate neighborhood of their location. The central district would have the advantage of all the other districts, though equally entitled to share in the privileges of the library. And as the constitution leaves it discretionary with the legislature to establish one or more in each township, it is respectfully submitted whether the public interests would not be greatly promoted by the establishment of one in each primary school district. Should the proposition, which has sometimes been made, of exempting certain individuals and classes of men from military duty, on the payment of an equivalent in money, be carried into effect, it would undoubtedly add considerably to the means for the support of such libraries, sufficient, it is thought, to place them on a respectable and permanent foundation. The district system has recently been adopted in the state of New York. The subject was introduced to the attention of the legislature by the superintendent in his report for the year 1834, with the following among other remarks: "If the inhabitants of school districts were authorized to lay a tax upon their property for the purpose of purchasing libraries for the use of the district, such a power might, with proper restrictions, become a most efficient instrument in diffusing useful knowledge, and in elevating the intellectual character of the people. A vast amount of useful information might in this manner be collected where it would be easily accessible, and its influence could hardly fail to be in the highest degree salutary, by furnishing the means of improvement to those who have finished their common school education, as well

as those who have not." In respect to the object of the law, the superintendent in his report for 1836, says, "Its main design was to throw into school districts and place within the reach of all their inhabitants, a collection of good works on subjects calculated to enlarge their understandings, and store their minds with useful knowledge. It was believed that such a measure would come strongly in aid of other provisions, adopted with a view to the intellectual improvement of the great body of the people, and to point them to the true sources of their respectability and power. Works of a juvenile character would not, therefore, as a general rule, be suited to the purposes of the law." No means, next to the establishment of schools, can be more admirably adapted to the intellectual and moral culture, the improvement and progress of the people in knowledge, than the founding of well selected libraries. Its books would fill up many vacant hours, especially of the rising generation, that would be spent in no useful or honorable employment. "The clear proceeds of all fines, the equivalent for exemption from military duty," and the proposed \$10 district tax, should the two latter measures be adopted, would constitute a fund, which, if judiciously expended from year to year, would produce the choicest fruit.

School-houses.

In the Prussian system, the law required plans of school-houses, and commanded that none should be built except according to such plans. Says M. Cousin, "The ministry has shown the most praiseworthy perseverance on this point, and I have now under my eye a general order addressed to all the regencies, containing a detailed description of the best and most economical manner of building school-houses—for the construction of school-houses must not be left to experience, or to an injudicious economy."

In the construction of a school-house, the windows should be high, so as to prevent out-door occurrences from attracting attention, also for the purpose of ventilating the room without throwing a current of air upon the head and neck of the pupils.

A school-room should be equally warmed throughout every part of it. To secure this object a thermometer ought to be kept in every such room, and the heat regulated to about sixty degrees.

The school-room should be so large as to contain a sufficient quantity of fresh and pure air. For the want of space to contain enough of this vital element, many a child has been sacrificed. The want of space and air is a waste of health and of life.

The dimensions of the building should be such as to allow twenty-one feet to each scholar. It is believed that this allowance is not too liberal, the passages and platform of the teacher being included.

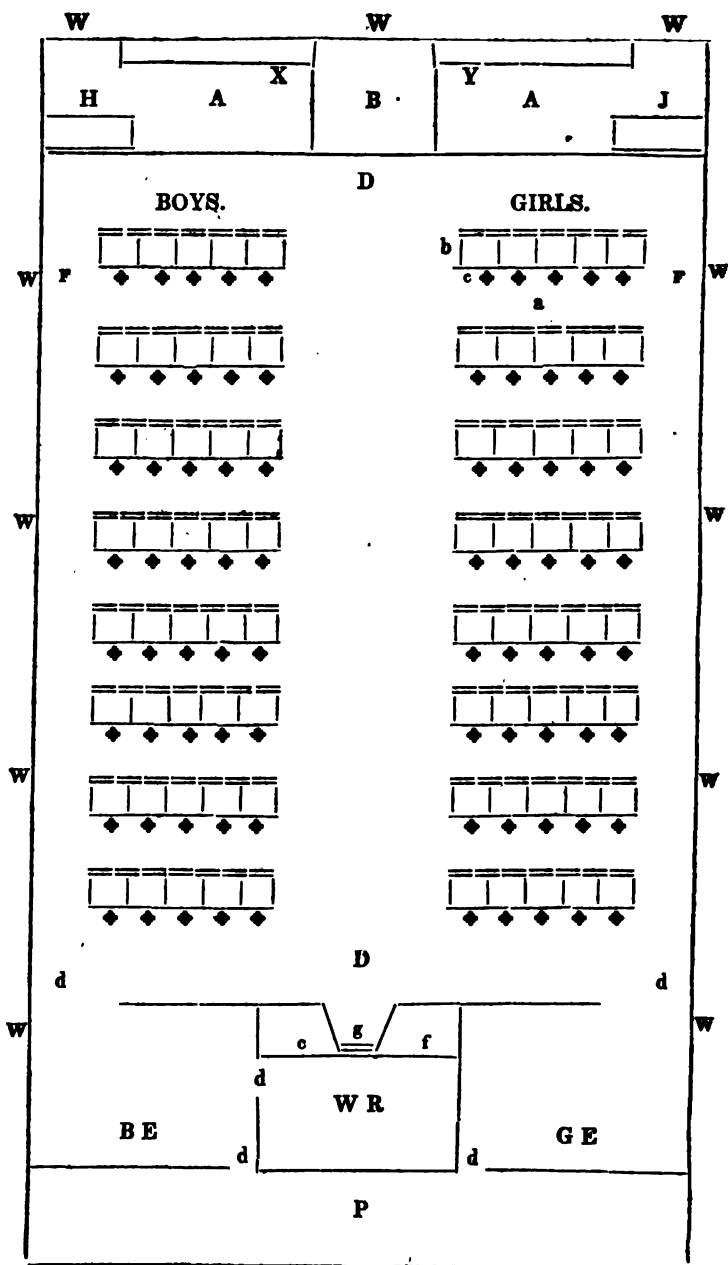
The floor of the school-room should be level, and not on an inclined plane. Much is lost in symmetry, convenience and com-

fort by inclined floors, without any thing gained to compensate the loss.

The desks for scholars should be level; and the seat for each scholar separate, and confined to the floor. They should be accustomed to such desks as they will generally use in after life. Those in front should be lower for smaller children than the rows in the rear.

The backs to the seats should be so constructed as to conform to the natural curve of the back of the child. If so made, when he leans back for rest, the whole frame will be equally supported. This, on examination, will be found to be an important principle.

The following ground plan of a school-house contains eighty separate seats and desks. It is selected, with some variation in the arrangement, from the plans presented to the American Institute of Instruction. The whole edifice, without the portico, is 58 feet long, and 35 feet wide. The plan may be enlarged or diminished according to this rule. For ten scholars add four feet to the length, for sixteen scholars add four feet to the width; for twenty-eight scholars, add four feet to both length and width. For a less number of scholars, the length or breadth, or both, may be diminished at the same rate. The school-room here presented is 47 by 35 feet, within the walls.



EXPLANATIONS.

- W. W. W., &c. Windows.
 X. Cabinet for apparatus and specimens.
 Y. Book-case.
 A.B.A. Platform for the teacher, 6 ft. wide and 9 in. high.
 B. To be removed for stove in winter.
 D.D. Passages 6 ft. wide.
 H.J. Teacher's and assistant's desks.
 F.F. Passages 3 ft. wide.
 S. Floor, 9 ft. wide.
 b. Desks for scholars, 18 in. wide and 2 ft. long.
 c. Seats for scholars.
 a. Passages between the seats and next row of desks, 15 in. wide; a desk, seat and passage occupy 4 ft.; desk 18 in., passage between it and seat 2. in.; seat 13 in., and passage 15 in.
 d.d., &c. Doors.
 c. Closet.
 f. Sink to be concealed by a falling lid.
 g. Fire place.
 B.E. Boys entry, 10 by 12 ft.
 G.E. Girls entry, 12 by 10 ft.
 W.R. Wood room.
 P. Doric portico in front.

Academies—as branches of the University.

Any county containing thousand inhabitants shall be entitled to an academy of the highest grade, as a branch of the university, by complying with the following provisions. The board of supervisors shall procure an eligible site, and cause suitable buildings to be erected, such as shall be deemed sufficient, and approved by the Superintendent of Public Instruction. And the board of supervisors shall have the power, and it shall be their duty, to appoint six wise and discreet persons, who, together with one to be named by the Superintendent, shall constitute a board of trustees. The one nominated by the Superintendent shall hold his office for two years; of those appointed by the supervisors, two shall continue in office three years, two of them two years, and the remaining two one year, to be determined by drawing; and it shall be the duty of the board of supervisors ever after to appoint two annually. Of this academic board of trustees, the judge of probate and the two associate judges of the county, shall be ex-officio members; and the county clerk shall be ex-officio clerk of the board, and shall carefully register all its proceedings. The board of trustees shall have the care of the institu-

tion, superintend its general concerns, appoint a suitable number of professors and teachers, and make report annually to the board of visitors of the number of teachers, the number of students in each department, and the branches taught. The board of visitors shall consist of three persons to be appointed annually, one by the supervisors, and two by the Superintendent; they shall visit the academy at its annual examination, inquire into its condition, examine the proceedings of the board of trustees, make a report, and forward it, together with that of the board of trustees, to the Superintendent of Public Instruction. For the support of the institution, the board of supervisors shall cause to be raised by the county a sum equal to that which is apportioned to it from the income of the university fund. In each academy there shall be three departments, one for the education of teachers for the primary schools, one for the higher branches of English education, and one for classical learning. The course of instruction in the teachers' department shall be three years, and its object is sufficiently indicated by its title. And it shall be open to all without charge, who wish to fit themselves for the business of teaching, on condition of a pledge being given, that in case the individuals concerned should fail of engaging in the profession of teaching for at least three years, within four years after leaving the institution, they should pay the regular tuition of the English department for the whole time, unless prevented by some special disability from engaging in it. The object of the English department is also clearly indicated by its title. Its design is to furnish a large class of persons with an opportunity of pursuing some branches of education further than can be conveniently done in the primary schools, and whose object is not a regular course of classical studies. The department for classical literature is designed for those who wish to fit themselves to enter the university, and go through with its regular course of instruction. Tuition for the English department ought not to be over \$10 per year, and for the classical department it should not exceed \$12 per year. Should there be more than enough to sustain the institution from the three sources already indicated, from tuition, from the county, and from the university fund, it should be applied to the increase of the library. When any county shall have complied with the foregoing provisions, \$500 shall be appropriated to its academy for the purchase of apparatus and books, from the income of the university fund. Of this sum \$200 may be applied to the purchase of books as the foundation of a library. The balance will furnish the following philosophical apparatus. The list of articles, with a slight variation, is taken from the last report of Mr. Dix, superintendent of the New York common schools.

An Orrery.
 A Numeral Frame and Geometrical Solids.
 A pair of Globes.
 A moveable Planisphere.
 A Tide Dial.
 An Optical apparatus.
 The Mechanical Powers.
 A Hydrostatic apparatus.
 A Pneumatic apparatus.
 A Chemical apparatus.
 One hundred specimens of Mineralogy.
 An Electrical machine.
 Instruments to teach surveying.
 A map of the United States.
 A map of the State of Michigan.
 An Atlas.
 A Telescope.
 A Quadrant.
 A Microscope.

The contemplated apparatus is prepared by Brown and Pierce of Boston, and may be purchased in New-York for about \$300. And no academy ought to think of doing without one of the kind. In the teachers' department, the following branches ought to be thoroughly studied :

The English Language.
 Writing and Drawing.
 Arithmetic, mental and written, and Book-keeping.
 Geography and General History combined, and History of the United States.
 Geometry, Trigonometry, Mensuration and Surveying.
 Natural Philosophy and Elements of Astronomy.
 Geology and Chemistry.
 Constitution of the United States and of the State of Michigan.
 Select portions of the laws, and the duties of Public Officers.
 Principles of Teaching.
 Rhetoric.
 Algebra.

The nature of Man as a physical, intellectual and moral being, and his relative duties.

The University.

In the organization of the university, it will be proper and necessary to create a board of Regents to superintend and manage its general concerns. The powers to be vested in this board, and its duties, may and ought to be prescribed by law. The board of Regents shall consist of the Governor, Lieutenant Governor, the

Chief Justice and Associate Justices of the Supreme Court, Chancellor of the state, and the chancellor of the University, who shall be ex-officio members, and twelve others to be appointed by the legislature. Of these twelve, three shall continue in office four years; three, three years; three, two years, and the remaining three, one year, to be determined by drawing. This arrangement will make it the duty of the legislature, after the first organization, to appoint three annually. Of this board, the Secretary of State shall be ex-officio secretary. The Regents shall have the power, and it shall be their duty, to enact laws for the government of the university, to confer degrees, to appoint a chancellor, and the prescribed number of professors in the several departments, and the requisite number of tutors, also to determine their respective salaries; to appoint a steward and fix the amount of his salary. The university shall consist of three departments:

1. The department of literature, science and the arts.
2. The department of law.
3. The department of medicine.

In the department of literature, science and the arts, there should ultimately be established the following professorships:

One of Ancient Languages.

“ Modern Languages.

“ Rhetoric and Oratory.

“ Philosophy of History, and Logic.

“ Philosophy of the Human Mind.

“ Moral Philosophy.

“ Theology.

“ Political Economy.

“ Mathematics.

“ Natural Philosophy.

“ Chemistry.

“ Geology and Mineralogy.

“ Botany and Zoology.

“ Fine arts.

“ Civil Engineering and Drawing.

The department of law should consist of the following professorships:

One of International law.

“ Common Law and Equity.

“ Constitutional and Statute Law.

“ Commercial and Maritime Law.

“ Jurisprudence.

In the department of medicine there should be the following professorships:

One of Anatomy.

“ Surgery.

One of Pathology.

" Practice of Physic.

" Obstetrics.

" Materia Medica.

The immediate government of the several departments must necessarily be intrusted to their respective faculties. The Regents shall have the power to regulate the course of instruction, and prescribe, under the advisement of the professorships, the books and authorities to be used in the several departments. And it shall be the duty of the board of Regents to report annually to the board of visitors, the condition of the university, the amount of its expenditures, the number of its professors and tutors, the number of students in the several departments, and in the different classes and the text-books used, to be accompanied with an estimate of expenses for the coming year. The board of visitors to consist of five, shall be appointed annually by the Superintendent of Public Instruction. But the question will arise, and it is an important one and must be met, can an institution on a scale thus magnificent, be sustained? It is confidently believed that the day is not distant, when the wants of the state will require such an institution, and when its resources will be amply sufficient to sustain it. With a population already exceeding 200,000 souls, and floods of immigration of intelligent, enterprising and educated men, pouring in upon us, it cannot be otherwise. To suppose that the wants of the state will not soon require a superstructure of fair proportions, on a foundation thus broad, would be a severe reflection upon the foresight and patriotism of the age. And to suppose that such an institution cannot be sustained, would seem to be a contradiction of the known laws by which human affairs are governed. Let the state move forward as prosperously, for a few years to come, as it has for a few years past, and one-half of the revenue arising from the university fund, will sustain an institution on a scale more magnificent than the one proposed, and sustain it too, with only a mere nominal admittance fee; a consummation most devoutly to be desired. And this fee, say \$10 from each student, may be applied to the increase of the library. The institution would then present an anomaly in the history of learning, an university of the first order, open to all, tuition free. It is not to be expected, nor will it be necessary, that all the professorships should be filled at the commencement of its career. One-half the number judiciously appointed and arranged could ad interim discharge the duties of the whole; they could do so without difficulty, until the wants of the institution and the state of its funds should warrant the completion of the plan. But in laying the foundations of a superstructure to be raised in just and equal proportions, and to be continued, as we trust, through all succeeding ages, liberal and ample provisions

should be made for the anticipated wants of a highminded and growing people. Present appearances warrant the belief that the income of the university fund cannot fall short of \$50,000 per annum. One-half of this sum will be amply sufficient to give life and vigor to the several academies, as branches of the university, and the remaining half will be fully adequate to sustain the parent institution on a scale as grand and magnificent as that proposed.

But there is another question to be considered, and one which requires a more detailed examination than can now be given to it. It is the propriety of engrafting upon an institution destined for public education in the higher branches of literature, science and the arts, the departments of law and medicine. Lord Bacon, one of the great master-spirits of the human race, states the true doctrine on this subject, and gives a conclusive reason for it. He says "to disincorporate any particular science from general knowledge is one great impediment to its advancement. For there is a supply of light and information, which the particulars and instances of one science do yield and present for the framing and correcting the axioms of another science, in their very truth and notion. For each particular science has a dependence upon universal knowledge, to be augmented and rectified by the superior light thereof."* In an address delivered on occasion of the dedication of Dane law college, as a department of Harvard university, president Quincy made the following lucid remarks:—"In no way, perhaps, can the truth of this doctrine be better illustrated, than by the history of the progress of the English law, from its ancient, barbarous and perplexed, to its present cultivated and lucid state. So long as it was disincorporated from general knowledge, and pursued exclusively under the guidance of professional men, in the inns of courts, or in offices of practitioners, its outline was obscure, its aspect forbidding and mysterious; none dared to pretend to master it, except the regularly initiated; and to some of these, its reason was a closed book, which they had not the strength or patience to open. No sooner, however, was the common law introduced among the branches of university education, than it became liberalized and refined. Its particular light was augmented and rectified by the superior light of universal knowledge. Its foreign jargon was abandoned. Its technicalities were diminished—by the labors of Blackstone the rough scene was changed. After the publication of his work, men of general science began to think and to speak of the English law, as of a subject which could be understood without the exclusive devotion of a whole life to it. Professional men also, their progress thus facilitated, found more leisure themselves to pursue general science. From the hour when the great magician, Blackstone, standing in the halls of Oxford, stretched his scientific wand over the 'illimitable ocean

* Interpretation of Nature, Chapter VIII.

without bound,' where to the uninstructed eye, 'cold, hot, moist, dry, in their pregnant causes mixed, seemed to strive for the mastery,' confusion disappeared. In its stead was seen a well proportioned, well cemented fabric, pleasing to the sight, satisfactory to the taste, approved by the judgment, its architectural principles just, its parts orderly and harmonious, in which justice was found consorting with reason, and controversy guided by the spirit of truth, and not by the spirit of victory. Thus under the joint influences of a thorough legal education and of general science, it may confidently be anticipated, that the destinies of the profession of the law will daily become more and more elevated and refined."* What the learned president here affirms in regard to the science of law, and its corresponding art and profession, is equally true, with some slight modifications, of the science of medicine, and its corresponding art and profession. The science has been enlarged and rectified, and the profession elevated and rendered more permanently beneficial to the human family, by its connection with general knowledge. It is not easy to imagine a more appropriate place for the investigation of the sciences of law and of medicine, and the study of the professions thereunto belonging, than at the fountain head of light and intelligence. The advantages resulting to each profession, from this connection with general literature and science, must be strikingly obvious. So much so indeed, as to excite wonder, on the slightest reflection, that a disconnection should ever have been tolerated.

But whatever may be the advantages of such a connection, it is not to be expected that the study of theology, as a profession, can ever be made a separate department of the university. There is no connection, and it is devoutly to be hoped there never will be, between church and state under our government. We have therefore, no establishment, and consequently no ministry to provide for it. The different denominations, being left free in the exercise of their religion, are at liberty to adopt such measures for the training of the ministry of their respective churches as they may deem most advisable. The control and management of this business of right belongs to them; and it would be usurpation on the part of the state to assume to interfere in its direction. But so far as the great principles of the science of theology are concerned, they necessarily come within the compass of that general knowledge, with which every well educated young man ought to be acquainted. The mighty evidences of the Divine Existence, resulting from the unnumbered manifestations of contrivance and design throughout the universe of matter and of mind; and the basis, on which christianity has reared its stupendous fabric, and founds its claims to the confidence and affection of the world, would be fruitful topics for the prelections of such a professorship, as is propo-

* The American Jurist for January, 1833.

sed to be established. Besides, it will be found to be essential to the prosperity of the university. Without something of the kind, it would be abandoned by all religious denominations. We should then have presented to our view the spectacle of an university, on the broadest foundation, and splendidly endowed, but without students; while private institutions, struggling for existence, with comparatively few advantages, would be filled to overflowing. As christianity is the religion of our people, it must be recognized as coming within the circle of general knowledge, though they will suffer no interference in the formation of their religious opinions. It is all important to secure the interest of the great body of the people in the welfare of the university. But the great mass of them will be found attached to the different denominations of christians. Nothing therefore should be done to excite jealousy, or create alarm. And it is equally important that no religious test be introduced, but that every individual be left free in the exercise of his religion, and to worship as his conscience shall dictate. No flourishing institution can be found, which does not embrace as much as is here proposed; every attempt on a different plan hitherto made, has proved an entire failure. The university lately established in the city of New York, has a professorship of the character here contemplated; and as the first fruit of it, a splendid production has recently been presented to the public in a volume of lectures, written in the most captivating style, and filled with the clearest logical argumentation, and abounding in the most enlarged and liberal views. Such a professorship, thus filled, would secure to any institution unbounded confidence. And the men who founded that seat of learning are to be numbered among the most talented of our country, enlightened and liberal in their views, and belonging to the different religious persuasions. We find among them an ex-president of the United States, and the honorable Benjamin F. Butler—the present distinguished attorney general, who is now one of the council of the university, and who has recently been appointed to a professorship in the department of law. The fact is not to be concealed, that there is a strong prejudice in the minds of many worthy and enlightened men against state institutions. And it is often said of late, that state institutions do not flourish. This feeling has originated from the attempt of two or three states to exclude every thing in the form of religion from their universities. The moral sense of the community was found to be against the plan, and the institutions could not flourish; for they were abandoned by the great majority of those who patronize the higher seminaries of learning. And the consequence was, difficulties ensued, and private institutions rose up around them and prospered. The truth is, the nature of man is such, that the result might have been anticipated. There is a medium between bigotry on the

one hand, and atheism on the other. And the success of the university, its life, energy, character and usefulness, will essentially depend on the adoption of that medium course. In Brown university, the different denominations have ever been conjointly engaged in promoting the cause of letters. Difficulties may be created in anticipation, but they will generally be found on a nearer inspection to be imaginary. Some may complain if they cannot have the entire control, but the great body of the people will be satisfied. In respect to the assertion, that state institutions do not, and cannot flourish, it may safely be affirmed, that the history of the past proves directly the reverse. The oldest and most venerable institutions in our land are emphatically state institutions; they were planted, came up, increased in stature, and attained to the maturity and vigor of manhood, under the guidance and patronage of the state. There have been no failures, except in the cases named, and obviously for the reason assigned. The same is true of nearly all the celebrated European universities, they are state institutions, founded, sustained and directed by the state. It is all important, that the university of Michigan, in its constitution and order, be such as to secure the confidence of the liberal minded of all denominations, and then it may be expected that they will give it countenance and support.

But there is another question, involving important considerations, which is intimately connected with the subject that has just now been discussed, and it is one that justly demands the exercise of the soundest discretion. It is the granting to private associations, acts of incorporation with university powers. Such corporations, if the filling of all vacancies is vested in themselves, contain within their own body the principle of self-preservation and perpetual existence. Thus far, they are independent of the government, and cannot be reached by any power in the state; because the charter is held to be sacred. It is true, the right of supervision may be retained, and also the right of repeal. The principle adopted in New York is to grant university powers only on condition, that the company applying shall have \$25,000 in appropriate buildings, and \$100,000 in funds, secured in double the amount, for the use of the institution; the state reserving to itself the right of visitation. The object of this rule is to prevent the multiplication of such institutions without any fair prospect of permanent usefulness; and where the practice of granting such charters has obtained, the propriety of the rule cannot reasonably be questioned. With us, as a state, all is new; and we are at liberty to adopt such principles, and form such rules of action, as on mature reflection the great interests of learning may seem to require. It is respectfully suggested to the consideration of the legislature, whether it will be desirable to incorporate such a number of private associations for the purposes of education, as will

have the effect to draw off the attention and interest of any considerable portions of the public from the institutions founded by the state.

Superintendent of Public Instruction—and his duties.

The present law requires of this officer certain duties ; and should the system proposed, or one similar to it, be adopted and go into operation, other duties must necessarily be required. The following are some of the more important of these duties :

1. To submit to the legislature an annual report, exhibiting the condition of the university and primary school funds, also of the primary schools and of the university and its branches, and all such matters relating to his office and the public schools, as he may think proper to communicate.

2. To prepare suitable forms for making all reports, which may be required of the district, township, academic and university boards, and suitable regulations for conducting all proceedings under the law relating to public instruction, and transmit the same with such instruction as he may deem proper for the organization and government of the public schools, with such direction as to the course of studies as he may judge advisable, to the several officers intrusted with their management and care.

3. To appoint the prescribed number of trustees and visitors in the different academic boards, and the annual board of visitors to the university.

4. To take charge of all university and school lands, and all other property reserved to the state for the purposes of education, and dispose of the same according to law.

5. To invest all moneys, arising from sale of such lands and property, as directed by law.

6. To apportion the income of the university fund among its branches and the parent institution, and also the income of the primary school fund among the several townships and cities of the state, on such principles as shall be sanctioned by the legislature.

7. To prepare annually a table of the amount to be paid to the university and each of its branches; also the amount in the aggregate to be paid to the different counties of the state, from the income of the university and primary school funds respectively ; and present the same to the state Treasurer. Said table to be the guide of the treasurer in the disbursement of all moneys to those officers who shall be entitled to receive the same.

8. To notify the treasurers of the several counties of the amount in the aggregate to be disbursed in their respective counties, stating the amount to be paid to the academies from the university fund, and also the amount from the primary school fund to be paid to the different townships in their respective counties. Said notice to be the guide of the county treasurers in the payment of said moneys to those entitled by law to receive and apply the same.

9. To hear and decide all questions arising under the public school system, and the decision when made to be final. The object of this is to give the Superintendent appellate jurisdiction in all matters arising under the statute relating to public instruction. This jurisdiction is given to the superintendent of the New-York system, and was "designed to give him the power of putting at rest all controversies arising in the administration of the system of which he has the supervision. His decision in all matters of appeal is final, and every case brought before him is disposed of without expense to the parties, excepting such as is incurred in the preparation of their papers, which are, however, always received without regard to form, if they are in substance correct."* Says Mr. Dix—"If the system has any defect, it is, that the superintendent has no power by law to enforce the execution of his own decisions." This is indeed a defect, and it will doubtless be considered important to provide against it.

The disposition of the lands, reserved by Congress and given to the state, for the support of primary schools as well as seminaries of the highest grade, is a subject which demands the most deliberate consideration. Whether the public fund shall be ample or meagre, whether it shall be sufficient to place our schools and seminaries of learning on high and elevated ground, or leave them to pine and droop, will depend in a great measure on the course that shall be adopted in respect to them. It is a fund which ought to be held sacred, and religiously regarded. Its benevolent object is, to promote the best good of the state in all future time. It is destined, if rightly managed, to put within the reach of every child, whether high or low, rich or poor, in all coming generations, the means of gaining that knowledge, which shall fit him for usefulness, and enable him to discharge, with honor to himself and credit to his country, the high obligations of an American citizen. What design more noble! or more desirable to be accomplished! or more worthy to engage the attention of the wise and good! In a state where there are ample means to educate every child, and where the obligation to educate every one is felt, acknowledged and enforced, the poor man, perchance made so by some unexpected dispensation of Providence, may die in the full assurance that his children will not be suffered to grow up in ignorance, but that they will be instructed in the more important elementary branches of knowledge. Such a result, such a consummation, may be confidently predicted, in case a judicious disposition is made of the school lands. How desirable a residence, how desirable a permanent home, with a people where knowledge and virtue are the first elements of the social state! To make an impression upon the destiny of our own country, and through our

* Report for 1836.

own country upon the high destinies of the world, to cause our influence to be felt in the councils of the nation, and to leave an impress upon the age in which we live, we must be a highly cultivated people. We cannot do these things without knowledge; neither can our children. They need not be left to make the attempt; for we have put within our reach ample and permanent means to extend to them the highest degree of physical, intellectual and moral culture. The law of Congress, as well as the constitution of the state, imposes upon the government the high responsibility of preserving and managing the fund arising from the lands, reserved within the state for the purposes of education. No encroachment can ever be made upon the principal of either the university or primary school fund, both must remain perpetually, and the interest accruing from each be inviolably appropriated to its destined object. Hence that disposition of the school and seminary lands will be the wisest and best, which will ultimately yield to the state for the support of the public schools the greatest amount of revenue.

With respect to the disposition of these lands, two leading plans have been suggested. One is to lease, and the other to sell them. To leasing lands, there are serious objections. Experience, which is in all such cases decidedly the best teacher, shows conclusively that where lands are leased they will generally be impoverished rather than improved. Human nature is such, that men do not, and will not, take that interest in leased lands which they uniformly do in farms, where the right of soil is in themselves. Hence it is, that we so generally find on leased lands the improvements to be temporary and unsubstantial works, made either with a view of gaining a mere livelihood, or for the purpose of accumulating sufficient to render the occupant independent in the possession of a farm he can call his own. Good farmers cannot be induced to spend their days on leased lands. As soon as they have gained enough to put them in the full possession of a farm, they will instantly relinquish all other titles. And it is unavoidably the case, that where leased lands pass from one to another, their value is constantly depreciating. And when the lease is about to expire, if the occupant wishes to retain possession, he can easily put the lands in such a state and make such an impression in respect to them, as will have a direct tendency to do away all competition. Besides, it may be seriously doubted, whether so great an income can ever be derived from the seminary and school lands on a mere lease, as from a judicious investment of the proceeds of a judicious sale of them. But waiving the question of sale, will they, in the present circumstances of the country, lease readily for ten, twenty or thirty years, for a fair valuation? Will good farmers lease unimproved lands, and so cultivate and im-

prove them, as to increase essentially their value, when at the end of the lease, they will be liable to all their improvements, or be obliged to pay for them anew? and especially will they do it, so long as they can purchase of the government good lands for \$1 25 per acre? Some of limited means may do it, but they will do it not with a view of making any permanent and valuable improvements, but for the purpose of making enough out of the land to purchase farms, that they may hold in fee simple. Under a lease, the lands will be exhausted, but not improved; they will be worn, but not increased in value. The most rigid laws may be enacted, and the most rigid system of supervision adopted; and they may do something to retard, but nothing to prevent ultimately such a result. Men will take from, but add nothing to the value of lands, where the right of soil is not in themselves. Against leasing in perpetuity, some of these objections will lie with still greater weight. In process of time, the lands may be almost entirely exhausted; and when once leased, what security can the state have to prevent such a catastrophe? Suppose a quarter section of the seminary lands to be leased for \$224 per annum, the yearly interest of the money, if sold for \$20 per acre; from this quarter section, all the valuable timber may be removed, and the whole of it put under the plough, and subjected to the most exhausting system of cropping. And off of it, and out of it, enough may soon be realized to purchase four times the amount of new land. And though the soil may be exceedingly fertile, all grain indeed to any assignable depth, yet it is in accordance with the known operation of the laws of nature, that this land must be exhausted; and consequently will be liable to be abandoned. By good management, this fertility may be preserved, and even increased; but under a severe system of cropping, it must necessarily be exhausted. It will be found to be exceedingly difficult to avoid this result; for the man will not stay upon his quarter section and pay the \$224 per year, when he can do better with both his time and money; neither can he be obliged to do it. Were the seminary and school lands broken up, or cleared, as the case may be, while they are fresh and in full vigor of strength, men may be found who will pay annually for some of them the \$224 per quarter section. But in most cases, it will be done for the sake of cropping the land, and not for its permanent improvement. It is this species of farming which has reduced large portions of some of the older states to a perfect desert. If once under a lease, can such farming be prevented on the seminary and school lands? If not, then it requires neither a prophet nor the son of a prophet to predict the result. Fifty years hence the lands would be reduced in value, and the rents arising therefrom would not equal the interest on the money for which they might even now be sold.

Were they to be leased for a small annuity, as are some lands in the state of New York, they would they be regarded in nearly the same light as other lands. But it is apprehended, that such an idea is not, and cannot be entertained, the object being to derive from the university and school lands the greatest amount of revenue consistent with the principles of right and justice.

In addition to all this there is another serious view to be taken of this subject. The leasing of such an amount of lands as is reserved for the purposes of education, and scattered through the length and breadth of the state, would create the relation of landlord and tenant, between the government on the one hand, and citizens on the other, to the number of from three to five thousand. And is there no danger to be apprehended from such a source? Would it not necessarily create jealousy and alarm? And would it not be giving to a corrupt administration the means of perpetuating its power? All history teaches us that no relation is so subservient, and no tenure by which lands are held, which creates more dependence, and especially where the lease is not perpetual. Let the relation of landlord and tenant be dissolved in Great Britain, and the government of the aristocracy is ended and the people are free, sovereign and independent, from that day forth. From the course of reasoning thus far pursued, the conclusion is obvious that it would not be consistent with sound policy to lease either temporarily or perpetually, the lands reserved to the state for the purposes of education. The remaining alternative is to sell them. But this sale need not be a forced one; it may be done gradually, as the wants of the country and a sound discretion may seem to require. For the public security, let a minimum price be fixed as high as \$15 per acre for university, and \$5 per acre for the primary school lands, one-fourth to be paid down, and the balance in four instalments; the first in five, the second in ten, the third in fifteen, and the fourth in twenty years; with interest annually, to be secured by bond and mortgage. On conditions like these, let the lands in the more settled parts of the state be thrown into market, and sold at auction to the highest bidder. What remains unsold might still be kept in market, to be sold as occasion should offer.

At \$15 per acre, 20,000 acres of the seminary lands would sell for \$300,000, and it is more than probable that the first 20,000 acres would average as high as \$20 per acre, which would amount to \$400,000. The interest of \$300,000 would be \$21,000 per annum, while \$28,000 would be the annual interest of \$400,000. With such an income, how easy to lay the foundation of an university on the broadest scale, and place it on high and elevated ground at the very commencement of its career of light, usefulness and glory. The balance of the seventy-two sec-

tions, 26,080 acres, would undoubtedly sell, as soon as the funds would be needed, at the same rate. If for \$15 per acre, they would sell for \$391,200, the interest of which would be \$27,384 per annum. If for \$20 per acre, the sale would amount to \$521,600, the annual interest of which would be \$36,512. We have then this result, at \$15 the acre, the whole would amount to \$691,200, with the yearly income of \$48,384; at \$20 the acre it would amount to \$921,600, with an annual interest of \$64,512. It is not apprehended that the amount can, in any event, fall short of the lower estimate, while it is believed, judging from the decisions of the past and the indications of the future, that it will exceed the higher computation.

The primary school lands reserved from sale, and given to the state by the ordinance of Congress, consist of sections number sixteen, in all the surveyed townships, and by the constitution of the state, as already intimated, the proceeds of all these lands are to go into one general fund for the support of schools throughout the state. Were it not so, one township might derive from its lands an enormous yearly income, while its neighbor with more inhabitants might be almost entirely destitute, owing to the unfortunate location of its sixteenth section. The peninsular portion of the state of Michigan contains very nearly 40,000 square miles. One thirty-sixth of which belongs to the common school fund. In 40,000 square miles, there are 1,111 townships of 36 square miles each. But dropping eleven entire townships for the deficiency already suggested, there will remain 1,100 townships, which is a fraction less than the true number.

One square mile, section number sixteen in each township, amounting in all to 1,100 square miles, is devoted to the cause of primary education. In 1,100 square miles, there are 704,000 acres, which at \$5 per acre, the minimum price, would realize to the state \$3,520,000. It is to be presumed, however, that a due proportion of this amount is waste land, and consequently of no value. But if a portion is waste land, an equal proportion must be regarded as of the first quality. Throwing one-fourth entirely out of the question, the remaining three-fourths will produce the following results, at the price estimated for each separate fourth:

The first quarter, at \$10 per acre, would amount to	\$1,760,000
The second " " " "	1,232,000
The third " " " "	704,000
Total	<hr/> \$3,696,000

Another estimate will show a similar result.

50,000 acres, at \$15 per acre, would amount to

\$750,000

Carried forward, ●

Brought forward,					•
150,000	acres, at \$10	per acre,	would amount to		1,500,000
200,000	"	\$5	"	"	1,000,000
200,000	"	\$3	"	"	600,000
104,000	"	\$0	"	"	000,000
Total					\$3,850,000

These estimates may seem to be extravagant, but it is confidently believed, that the result, in the issue of things, will exceed rather than fall short of the highest computation. Time, the great discloser of events, will yet develop the resources of the state for the promotion of useful knowledge, and enstamp upon them a value of which few seem to have any adequate conception. It is true, much must necessarily depend on the adoption of wise councils and good management.

But we have not yet reached, in the calculations made, the extent of those resources. The boundaries assumed in the preamble of the constitution, include a portion of the territory north-west of Lake Michigan, and the late ordinance of Congress conditionally admitting the state into the Union, extend the boundaries in that direction, so as to give us on that side of the lake in all about 25,000 square miles. And one thirty-sixth of this also will ultimately be the property of the state for the support of primary schools. 25,000 square miles would make 694 townships, of 36 sections each; which would give to the state 694 square miles, amounting in all to 444,160 acres. It would be difficult to give a just estimate of the value of these lands, but it is safe to say that they are destined at no distant day to add more than \$1,000,000 to the common school fund of the state.

On the terms already proposed for the disposition of the lands reserved to the state for the purposes of education, the sales of the primary school lands would soon reach \$1,500,000. And if the estimates already made should be found in the end to be any thing like an approximation to the reality, this sum will be reached before 200,000 acres of those lands are sold. The yearly interest of this sum would be \$105,000, which, considering the population, would be a greater income than is now divided in Connecticut, which has the largest school fund of any state in the Union. Moving forward as prosperously for three years to come, as three years past, and there can be no doubt the state may have at least \$28,000 to be applied to the support of an university, and \$105,000 for the primary schools; and not more than 20,000 acres of the seminary lands sold, nor more than 200,000 acres of the primary school lands.

But what investment shall be made of the one-fourth payment? It is respectfully suggested that it may be loaned to the different

counties of the state, in sums from 5 to \$10,000, the faith of the respective counties being pledged to pay the interest annually, and the principal when called for after ten years, notice being given at least one year previous to the call for payment, and the same privilege should be reserved to each county of paying any time after ten years, by giving the required notice of its intention to pay. This would enable the different counties to erect their public buildings, and assist greatly the settlement of the country. In this way the whole sum may be retained at home, and do much towards preventing that pressure in the money market, which is sometimes so sensibly felt in new communities. Should any remain uninvested, it may be loaned to individuals, and secured in double the amount by bond and mortgage, as nearly the whole of the school fund is at present in the state of Connecticut, which the present able commissioner of the fund declared to the Superintendent "to be in his judgment the safest and best investment that can be made, stocks of all kinds being more uncertain and precarious." And it may be important to make it the duty of the board of school inspectors to appraise property, on which a bond and mortgage is proposed to be given. A measure like this would effectually secure the state against loss; and it might also be provided in case of a depreciation in the value of the property, that a new appraisement should be made, and, if found wanting, additional security be given, or a foreclosure immediately ensue.

Assuming, as the basis of calculation, 200,000 to be the population of the state, and it cannot be safely estimated to be less, one-half that number at least will be found to be under twenty-one years of age. These, in the language of an intelligent gentleman, "are all flexible subjects of education, in its most comprehensive sense, though they are not all within the influence of that part of it which can be easily controlled by legislation, or indeed by any means except by an enlightened public opinion. A few of this great number have left the schools and all direct means of education, and entered upon the active business of life. And a portion of the younger part of them are yet subjects only for domestic education. But after these deductions from the two extremes, it will not be extravagant to state that one-third of the whole population are of a suitable age to attend school."* It is demonstrated by the returns under the New York, Massachusetts and Connecticut systems, that one-third of the whole population in those states come within the provisions of the school law. It results from this computation, that 66,666 of our population ought to be in school. And it ought to be remembered in this connection, that four or five years, or even one year of this

* James G. Carter, Esq. chairman of committee on education, H. R., Mass.

period of life, gone unimproved, is a loss to the individual, which never can be retrieved. It is therefore obviously a dictate of sound policy, as well as an act of justice to the rising generation, to provide ample means, as soon as can be done consistently with the public interests, for the support of schools. The school season of those in minority, will soon have passed away, never to return. It is all important to them, and almost equally so to the next generation, that their claims should be duly appreciated. It would certainly be to them but a poor remuneration to preserve for posterity what ought to be expended in educating them. The contemplated disposition of the public school lands, it is firmly believed, would adequately supply the wants of the people, and result in no material injury to the general fund. But even admitting that fifty years hence the general fund might be 5 instead of \$4,000,000, by holding on to the public school lands a number of years to come, yet if such a course is to leave the present generation in a great measure uneducated, as it necessarily must, it would be inflicting upon the state an injury, which is not within the power of the combined methods of calculation to compute, which neither time nor money can ever remove. Let the night of ignorance once cast its blasting shade athwart the land, and our sun is set. Let the rising race retrograde, and the next generation will retrograde with an accelerating and resistless step, and that too, in spite of constitutions, laws, school systems or money. It is much easier to keep possession than to regain it, when once it is lost. It is a matter of rejoicing, that the great body of our people, are not only intelligent, but educated men; because it will be found to be much less difficult to carry into operation an effective system of public instruction, than in those states where general education has for a long time been neglected. It is also matter of grateful remembrance, that we had in the convention, which formed the constitution, men of enlarged and liberal views; and that the first legislature of the state so promptly responded to the letter and spirit of this constitution. But there is another view to be taken of this subject—our population is increasing with unparalleled rapidity. By the time the next United States' census is taken, we shall number nothing short of 300,000 inhabitants. There will then be 100,000 subjects for education. These things of themselves are sufficient to throw around the great questions now under consideration a thrilling interest. Most of the settlements have done something, and some of them have done nobly, for the cause of primary education. But they have necessarily difficulties to encounter, obstacles to surmount, and they have much to do in providing themselves a home and the means of subsistence. The people, therefore, in a special manner, in their present circumstances, need help; and it may soon be in the pow-

er of the state to extend to them all needful aid and encouragement.

Indeed, all the mighty interests of the country are virtually suspended upon the course of education. For, as says Lord Brougham, "A sound system of government requires the people to read and inform themselves upon political subjects; else they are the prey of every quack, every impostor, and every agitator, who may practise the trade in the country. If they do not read; if they do not learn; if they do not digest by discussion and reflection what they have read and learned; if they do not qualify themselves to form opinions for themselves, other men will form opinions for them, not according to the truth and the interests of the people, but according to their own individual and selfish interest, which may, and most probably will be contrary to that of the people at large. The best security for a government like ours—a free government—and generally for the public peace and public morals is, that the whole community should be well informed upon its political, as well as its other interests."* But how is this information to be obtained without schools and teachers? in short, without the education of all classes? And how is this to be accomplished without union and effort, and the adoption of the most efficient measures. Every man may do something, and our country has a right to expect something of every individual. The sentiments of Cicero, the great master mind of antiquity, as expressed in his splendid work on the republic, is a sentiment which should reign in the breast of every American citizen. "Our country has not given us birth, or educated us under her law, as if she expected no aid from us; or that, seeking to administer to our convenience only, she might afford a safe retreat for the indulgence of our ease, or a peaceful asylum for our indolence. But that she might hold in pledge the varied and most exalted powers of our mind, our genius, and our judgment, for her own benefit; and that she might leave for our private use such portions only, as might be spared for that purpose."† How desirable to adopt such measures, and how exceedingly important to pursue such a course, as that in coming years, among the thousands reared in the public schools under the fostering care of the government, some powerful and gifted mind, stored with all that can refine, enlarge and elevate, shall arise and be able sincerely and truly to adopt the language and sentiments of Mr. Butler, of New York, in closing a historical sketch of public education in his own state. "This brief review of the history of public instruction in this state, ought not to be closed without a tribute of gratitude to those wise and patriotic public servants, who at the very beginning of our career as an independent state, laid the foundation of the policy which has

*As quoted by Judge Story, in Lecture before A. I. L., 1834.

†Cicero de Republica, Liber I, Ch. 4.

since been pursued. The direction then given to the public councils, has never been abandoned. The promotion of literature and of general instruction has been a rallying point which has united the feelings and concentrated the exertions of men, whose opinions on other matters were not only discordant but irreconcilable. The state has often been shaken to its centre by political collisions; and it has sometimes happened that objects of real importance have, under the influence of feelings engendered by those collisions, been neglected or opposed; but at all times and under all circumstances, this great interest has received from all men of all parties, a constant and enlightened protection. This single fact while it confers upon our people the highest honor, is sufficient to vindicate the utility of republican institutions.* Education is certainly an object of sufficient magnitude to unite the hearts and hands, the feelings and energies of a whole people in the promotion of its cause. Its advancement, therefore, should be one great end and aim of all, in a special manner, who are intrusted with the great and growing interests of the state.

An abstract of the reports of school commissioners, and also an abstract of the reports of school directors, is herewith presented. But few reports have been received, either from commissioners or directors. This is owing undoubtedly to a want of due information; and the shortness of time after the law requiring reports, prevented that information from being circulated sufficiently to secure the object. Five hundred circulars were issued, but it is to be presumed that many of them did not reach the proper source in in season to obtain the required reports.

All which is respectfully submitted.

JOHN D. PIERCE,

Superintendent of Public Instruction.

Reports of School Commissioners.

<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of sections.</i>	<i>No. of townships.</i>	<i>No. of ranges.</i>	<i>Valuation.</i>	<i>Remarks.</i>
<i>Allegan County.</i> Allegan, Newark, Otsego, Plainfield,						

* Discourse before the Albany Institute.

<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section.</i>	<i>No. of township.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
<i>Branch County.</i>						
Batavia,	3	16	6 s.	6 w.	\$7680	
Coldwater,		16	7 s.	6 w.	1920	
		16	8 s.	6 w.	1920	
Girard,		16	5 s.	5 w.	8800	
		16			8800	
Prairie River,						
Sherwood,						
Quincy,						
<i>Berrien County.</i>						
Berrien,	3	16	8 s.	17 w.	6400	
Bertrand,		16	8 s.	18 w.	3200	
		16	8 s.	19 w.	3200	
Niles,	3	16			} 8640	
New Buffalo,		16				
Royalton,		16				
St. Joseph,						
<i>Barry County.</i>						
<i>Cass County.</i>						
Calvin,						
Howard,						
Jefferson,						
Lagrange,						
Mason,						
Pokagon,						
Perrine,						
Porter,		16			5120	Sit. on Chicago road.
		16 fr.			3200	Cut up by lakes.
Volinia,		16			3200	10 acres improved.
Wayne,						
<i>Calhoun County.</i>						
		16	4 s.	7 w.	1600	Timbered land.
Athens,	4	16	4 s.	8 w.	800	Mostly marsh.
		16	3 s.	7 w.		

<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section.</i>	<i>No. of township.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
Athens,	3	16	3 s. 8 w.		\$4480	Dry pr., good land.
Eckford,		16	3 s.		\$200	Burr oak op'gs, w'd
Marshall,		16	1 s. 6 w.	}	6400	Uncultivated.
		16	2 s. 6 w.			
		16	3 s. 6 w.			
Sheridan,		16	1 s. 4 w.		1280	
			2 s. 4 w.		1600	
Tekonsha,	16				800	Mostly marsh.
<i>Eaton County.</i>						
Bellevue,						
<i>Clinton County.</i>						
Clinton,						
<i>Genesee County.</i>	9				14600	
Flint,	16				5120	Timbered openings.
Grand Blanc,						
<i>Hillsdale County.</i>						
Allen,	4	16	5 s. 3 w.		2560	Good tillable l'd un.
		16	6 s. 4 w.		5120	ditto ditto
		16	7 s. 4 w.		2560	ditto ditto
		16	8 s. 4 w.		2560	
Adams,						
Fayette,						
Moscow,						
Pittsford,						
Scipio,						
Wheatland,						
<i>Ionia County.</i>						
Ionia,						
<i>Jackson County.</i>						
Concord,	2	16			\$ 1600	Not well located.
East Portage,		16			1600	ditto.
Grass Lake,						
Hanover,	4	16	1 s. 1 w.		3000	First rate op's & pl'ns
Jacksonburgh,		16	2 s. 1 w.		4000	First rate far'g land.
		16	3 s. 1 w.		3000	Good upl'd & m'd'w
		16	4 s. 1 w.		1500	Hill and marsh.

<i>Counties and Townships.</i>	<i>No. of surveyed Townships.</i>	<i>No. of sections.</i>	<i>No. of townships.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
Leoni, Napoleon, Spring Arbor,		16 16	3 s.	2 w.	\$3200	1st rate land burr oak
Sandstone, West Portage,						
<i>Kalamazoo County.</i> Brady, Comstock, Prairie Ronde, Pavillion, Richland,						
<i>Kent County.</i> Kent, Granville,						
<i>Lenawee County.</i> Blissfield, Cambridge, Dover, Fairfield, Franklin, Hudson, Lenawee, Logan, Macon,	2	16 16	5 s. 6 s.	5 e. 5 e.	4480 1920	Timb'd and watered Low timber'd land.
Palmyra, Rollin, Raisin, Rome, Seneca, Tecumseh, Woodstock,		16 16			6400 9600	1st rate land 30 a. im. Oak ops. timb'd & wd
<i>Macomb County.</i> Armadia,	2	16 16	5 n. 5 n.	13 e. 14 e.	3200 800	
Bruce, Clinton, Harrison, Jefferson,						

<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section</i>	<i>No. of township.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
Macomb,	2	16	4 n.	13 e.	\$1920	
Ray,		16	4 n.	14 e.	800	
Shelby,						
Washington,						
<i>Lapeer County.</i>						
Bristol,					5120	
Lapeer,						
<i>Monroe County.</i>						
Redford,						
Erie,						
Exeter,						
Frenchtown,						
Lasselle,						
London,						
Monroe,						
Milan,						
Raisinville,						
Summerfield,						
Whiteford,						
<i>Livingston County.</i>						
<i>Oakland County.</i>						
Avon,						
Bloomfield,						
Commerce,		16			3200	No improvements.
Farmington,		16			6400	Heavy timbered, 80
Groveland,						[improved.
Highland,		16	3 n.	7 e.	1920	Uneven, good land.
Lyon,		16			3000	No improvement.
Milford,						
Novi,		16			4480	On Detroit G. River
Orion,						[road.
Oakland,						
Pontiac,						
Royal Oak,						
Smithfield,		16			1000	
Troy,		16			10000	Heavy timbered 15.
West Bloomfield,						[acres improved

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<i>Counties and Townships.</i>	<i>No. of surveyed townships.</i>	<i>No. of section.</i>	<i>No. of township.</i>	<i>No. of range.</i>	<i>Valuation.</i>	<i>Remarks.</i>
Northfield, Pitt, Salem, Scio, Superior, Sylvan, Saline, Sharon, Webster, Ypsilanti, York,			3 s.	7 e.	\$3200 2200 4480 2000 6400 3200	[70 ac. imp. 3.4 lsd. for 3 yrs. 15 ac. im. log-house
<i>Wayne County.</i> Brownstown Canton, Detroit, Dearborn, Ecorse, Greenfield, Hamtramck, Huron, Livonia, Monguagon, Nankin, Plymouth, Redford, Romulus, Springwells, Van Buren,		fr. 16			1200 2560 5000	Not first rate. Hlf plain, rest tim'd.

Reports of School Directors.

<i>Counties and Townships.</i>	<i>No. of the District.</i>	<i>Valuation of property of District.</i>	<i>No. of children between 5 and 16</i>	<i>Length of time a school has been kept.</i>	<i>No. of scholars taught.</i>	<i>Amount paid for teaching.</i>
<i>Branch County.</i> Coldwater, Girard,	2 1	375 55	119 37	11 m. 6 m.	119 52	231 61
<i>Berrien County.</i> Royalton,	1		30	6 m.	16	52

<i>Counties and Townships.</i>	<i>No. of the District.</i>	<i>Evaluation of property of District.</i>	<i>No. of children between 5 and 16.</i>	<i>Length of time a school has been kept.</i>	<i>No. of scholars taught.</i>	<i>Amount paid for teaching.</i>
<i>Calhoun County.</i>						
Athens,	1	100	48	4 1-2	35	\$37 50
	2	80	37	5wk s.	30	9
Tekonsha,	1	130	22	3 m.	24	15
<i>Eaton County.</i>						
Bellevue,	1	70	56	10 m.	72	61
<i>Genesee County.</i>						
Grand Blanc,	1	250	39	8 m.	42	84
	2			1 m.	25	13
	4		20		20	
			18			
<i>Hillsdale County.</i>						
Allen,	2		45	3 m.	40	18 90
<i>Jackson County.</i>						
Jacksonburgh,	1	750	75	8 m.	65	192
Napoleon,	9	500	48	3 m.	38	36
Spring Arbor,	2	125	20			
	3	200	21	3 m.	30	15
	8		46	2 m.	30	16
<i>Lenawee County.</i>						
Clinton,	5	150		8 m.	100	150
<i>Macomb County.</i>						
Ray,			24			
<i>Oakland County.</i>						
Avon,		30	34	7 m.	54	88
Bloomfield,	1		60	11 m.	52	102
Commerce,	1	130	34	7 m.	52	44
Highland,	1	100	46	8 m.	60	60
Novi,	2	150	43	6 m.	40	48
	6	200	37	7 m.	70	66 25
Troy,	2	250	68	8 m.	29	99
<i>St. Joseph County.</i>						
Colon,	2		27	6 m.	20	76
Flowerfield,	1		15	3 m.	23	24
Sherman,	2	200	51	10 m.	51	82

<i>Counties and Townships.</i>	<i>No. of the District.</i>	<i>Evaluation of property of District.</i>	<i>No. of children between 5 and 16.</i>	<i>Length of time a School has been kept.</i>	<i>No. of scholars taught.</i>	<i>Amount paid for teaching.</i>
<i>Wayne County.</i>						
Huron,	1		49	6 m.	46	\$48
<i>Washtenaw County.</i>						
Bridgewater,	2	80	35	7 m.	61	68
Freedom,	1		35		4	
	2	90	43	3 m.	46	47 50
	3			6 m.	25	32 50
Lima,	4	250	67	8 m.	70	76
Lodi,	5	75	41	6 m.	80	45
Lima and Sylvan,	3	300	45	9 m.	51	72
Northfield,	1		88	8 m.	20	58
	4		25	7 m.	40	57
Pitt,	1	300	49	8 m.	43	58
	2	150	47	7 m.	40	60
	4	100	36	4 m.	40	47
	5	250	20	4 m.	23	20
	7	180	21	3 m.	12	12 25
Salem,	1	30	26	9 m.	31	42
	2	300	39	9 m.	50	73
			63	7 m.	60	59
	4	55	48	7 m.	24	31
Saben and Lyon,	1	50	84	9 m.	51	47 12
	2	50	43	7 m.	35	59
Scio,	3	125	31	5 m.	36	45
Scio and Webster,	2	120	35	6 m.	25	37
Sylvan,	2	40	29	5 m.	20	26
York,	1	20,	71	8 m.	51	75
	4		32	6 m.	28	53
Ypsilanti,	1		52	4 m.	40	27 50
	2	400	63	7 m.	70	93 80
	4		60	12 m.	91	445
	6	125	39	7 m.	25	48

N. B. Branches taught and books used. In this particular the uniformity in the returns of the districts is so great, that it was thought unnecessary to repeat them for each district. The following may serve as a specimen of the returns:

Branches taught. Reading, writing, arithmetic, geography, English grammar; in a few instances, history and natural philosophy are added.

Books used. Webster's elementary spelling books, Olney's geography, Kirkham's grammar, &c.

(No. 8.)

Report of the Commissioners appointed to review the County Seat of Branch.

*To his Excellency STEVENS T. MASON,
Governor of the State of Michigan :*

The undersigned, commissioners appointed to review the seat of justice for the county of Branch, beg leave to report, that having entered upon their duties agreeably to the provisions of an act entitled "An act to provide for the review of the seat of justice of the county of Branch, they are of the opinion that the present seat of justice for said county ought to be vacated, and recommend that the seat of justice for said county be established in the village of Mason, on village lots numbered thirty-two and thirty-three, according to the map of said village of Mason, in township number six south, in range six west ; and further report, that there have not been any improvements made upon the lots given for county purposes in the present seat of justice for said county.

Given under our hands at the village of Mason, in the said county of Branch, this 25th day of July, 1836.

WILLIAM H. HOAG,
CHARLES GRANT,
HIRAM WIGHTMAN, } *Commissioners.*

(No. 9.)

Memorial to the Congress of the United States in relation to Indians living within the limits of the State of Michigan.

To the Senate and House of Representatives of the Congress of the United States :

The memorial of the legislature of the state of Michigan respectfully sheweth, That, assembled to deliberate on the interests of the people of Michigan, we deem it a public duty to solicit your attention at this time to the means of removing the Indian population, living within our boundaries, to some portion of the public domain without the limits of the state, acceptable to them, and which, at the same time, promises them a permanent refuge. It is known that the lake tribes are averse to the location south of the Missouri, and it is understood from authentic sources that the efforts made to induce them to migrate to that latitude have been decidedly unsuccessful. Natives of a portion of the Union all of which lies north of latitude 42 degrees, they fear the experiment of going ten or twelve degrees directly south, to a country in

which their habits of subsistence and domestic economy must suffer an almost entire and sudden change. They are equally strangers to the habits, languages and opinions of the tribes who must become their neighbors in that location, and cannot contemplate a residence there without alarming fears of depopulation, both by disease and hostility.

Bred in thick forests and accustomed to water transportation, it seems to them the very antipodes of habit to migrate into bleak prairies, where they must learn to occupy and keep houses, and be compelled to gather their fuel from scanty and imperfect sources. Many of these bands are accustomed to live on fish more than half the year, and are wholly ignorant of the art of hunting as practised on the Osage, the Platte, and the Arkansas.

Something seems due to their feelings, as well as the considerations connected with them. We respect their appeal to our sympathies, and we wish to see them removed to a region where they may increase and flourish. We are impressed with a deep sense of the utter impossibility of their remaining within the state for any length of time in a state of prosperity. As yet, they are comparatively free from the grosser contaminations which have overtaken some of the minor tribes. Many of them are but little removed from a state of nature. They are hunters or warriors of an active and independent character. But little attention has been paid by them, as a body, to agriculture. But the bands who have adopted it evince no want of aptitude for the employment; and all have manifested a laudable interest in having their children taught. Most of the tribes have, in selling their lands, made liberal provisions for schools and missions, and for the services of agriculturists and mechanics. And they feel disposed to carry with them to their new location these elementary means of future improvement.

In seeking for a country more congenial to their habits and feelings, these tribes have for some time directed their expectations to the sources of the Mississippi—a region clearly beyond the scope of our future settlements, and which yet affords advantages in its lakes, savannahs and rice fields for an Indian population. This locality was accordingly stipulated in the treaty of the Ottawas and Chippewas of March 28th, 1836; but the commissioner on the part of the government was permitted by them to insert the location south of the Missouri, as an option for the future consideration of the tribes. The Senate, in its resolution of ratification, struck out the power of choice, confining them to the latter location. But it is found that the tribes are unwilling to accept the location, while it is equally manifest that they cannot remain on the ceded tract. The action of the general government on this subject seems to be demanded by considerations both of justice and policy.

It is believed that the country at the sources of the Mississippi would afford an appropriate asylum for the whole body of the north-western tribes as that south of the Missouri presents for the south and south-west tribes. And the enquiries which have been made leave no doubt but the title to it could be obtained immediately, and on very advantageous terms. The number of Indians to be removed from the present boundaries of Michigan has been determined with general accuracy within the last year. By reference to the superintendency in this city, it appears that six thousand five hundred Ottawas and Chippewas occupy upwards of sixteen millions of acres, recently purchased from those tribes, with the privilege of living on certain limited reservations during five years. The number of Chippewas within the state, in the upper peninsula west of the tract thus ceded, is estimated to exceed one thousand eight hundred, and they may be estimated to possess twenty-three millions of acres. These still own the soil on which they reside. The bands of Swan creek and Black river are reckoned at four hundred and fifty, and occupy less than nine thousand acres.

They have sold in May last all the lands they possessed, and made provision by treaty for emigrating west. The Saginaw bands number about one thousand souls, who own and occupy rising of two hundred thousand acres in the shape of reservations, scattered in every eligible position throughout the counties of Saginaw, Shiawassee, Genesee, Midland, Gladwin and Arenac. Negotiations for the purchase of these reservations have, it is understood, been entered upon with that tribe, and their removal may be anticipated, and ought to be immediately provided for. It thus appears that ten thousand seven hundred and fifty souls occupy twenty millions one hundred thousand acres. Of this number six thousand nine hundred and fifty have agreed to remove west, and sold to the government sixteen millions nine thousand acres. In these data fractions are dropped, but the most recent estimates of the Department of Indian Affairs are adopted. It further appears that there are four thousand five hundred Winnebagoes in Wisconsin, under treaty obligations to remove. There is also in the territory the entire tribe of the Menomonees, of whom we have no estimates. They may be safely put at one-third of the Winnebagoes, say one thousand five hundred souls, making a total of the lake tribes north of the latitude of Grand river and Milwaukee, of sixteen thousand seven hundred and fifty, to be removed from Michigan and the lower part of Wisconsin. The whole of these could be concentrated with but little effort at and above the smaller cataracts of the upper Mississippi, and beyond the most northerly curve of the Missouri.

A line protracted west from the mouth of the St. Louis river of the Fond du Lac of Lake Superior, would cross the upper

Mississippi about one hundred miles above the falls of St. Anthony, and after intersecting the Red river of Hudson's bay, terminate at the great northern bend of the Missouri. The great Sioux confederacy, who must in a few years leave their present position, between the Mississippi and Missouri, could be induced to cross this line and occupy the district west of Red river. The Winnebagoes of lower Wisconsin, who cannot be induced to go to the "neutral ground," and who ought never to have been urged to occupy a spot which they could not possibly retain but a few years, could be induced to take their position east of the contemplated locality of the Sioux, between Red river and the Mississippi. The Menomonees of Green bay, who have just parted with their lands in that vicinity, would be happy to occupy a part of the same region, say the west banks of the Mississippi, below the mouth of Des Corbeau. The Chippewas and Ottawas of the peninsula, the Swan creek and Black river bands, the Saginaws, and the Chippewas of St. Marie and the upper peninsula of Michigan, would find an appropriate location between the south-western sources of the Mississippi and the Fond du Lac of Lake Superior. Minor bands, as the Beaver islanders and Bay de Nocks, &c., not here enumerated, would find their places with their cognate tribe, and thus the great waste area of the northwest would be filled with a population who would find there the ready means of subsistence. The great families of tribes above named, by this arrangement, would preserve the order and international relations they now do to each other, and thus remain at peace, without any extra means of security by multiplying military works. The tribes who now occupy the region consist of *affiliated* or *friendly bands*, which would further operate to preserve peace. Added to these considerations is the obvious conclusion that the concentration of these bands on that frontier would prove a barrier for the settlements on the upper Mississippi and Missouri, against the incursions of the Hudson's bay, Rocky mountains, and Canada Indians, who are annually led on against our fur establishments by a bitter and sanguinary spirit of rivalry.

The assent to this policy has been given by the ratification of the treaty of the 9th of May, 1836, with the Swan creek and Black river bands, who, under the option of the treaty, are understood to have elected to migrate to that quarter. The setting apart of the district seems to be urged on the government by the reasons adverted to. And it is a question of deep and increasing interest to Michigan, and also to Wisconsin. The Indian population in the whole area of the upper lakes must soon leave the region. It is impossible that they should sustain themselves against the present tide of emigration and the daily expanding commercial resources. Their own welfare demands the transfer of resi-

dence, and the earlier their expatriation is accomplished, the more favorable, in our view, will be the effects upon their present and future condition.

Under every view which has been taken of the question, the removal of these tribes to those latitudes is judged politic and proper; and we therefore beg leave, most respectfully to suggest to Congress the expediency of making an appropriation to provide for holding treaties with the tribes on the sources of the Mississippi for the purpose of acquiring the right to locate the lake tribes in that quarter. An actual purchase of the soil may not be found necessary, if, as it is supposed, the present occupants would, for a proper compensation, yield to the government the right of directing such re-unions with long separated kindred bands.

C. TEN EYCK, *Chairman.*

(No. 10.)

Communication from the State Treasurer in relation to Weights and Measures.

STATE TREASURER'S OFFICE, }
Detroit, January 7, 1837. }

SIR—From repeated applications at this office by persons from the interior counties in the state to obtain measures, in particular, to be sealed, I infer that the several counties are in want of suitable standards of weights and measures.

By an act of Congress passed June 14, 1836, it is made the duty of the Secretary of the Treasury of the United States, to procure a suitable set of weights and measures, "to be delivered to the governor of each state in the Union, or such person as he may appoint, for the use of the states respectively, to the end that an uniform standard of weights and measures may be established throughout the Union."

As this state has not been put in possession of the necessary sets of weights and measures under the act of Congress referred to above, it is highly important that means should be taken as soon as possible to furnish each county with the proper standard of weights and measures, so that the people in each county may procure their weights and measures to be sealed, without the trouble and expense of sending to this office.

I am induced to call your attention, as the proper medium through whom the subject may be laid before the Senate at its present session, and I would respectfully suggest the propriety of authorizing some person to procure the requisite number of sets

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of weights and measures to furnish each county in the state, and an appropriation sufficient to meet the expenses.

Very respectfully,

Your obedient servant,

HENRY HOWARD; *Treasurer.*

To the President of the Senate.

(No. 11.)

Report of the select committee on so much of the Governor's Message as relates to the River Raisin and Lake Erie Railroad Company.

The select committee to whom was referred so much of the Governor's message as relates to the River Raisin and Lake Erie railroad company, beg leave to report:

That your committee, before entering upon the investigation of the affairs of the company, deemed it an act of justice towards the company to notify its officers of the resolution adopted by your honorable body, and the appointment of your committee under it. The chairman of your committee accordingly addressed a note to J. Q. Adams, Esq., the president of the company, and another to J. D. Morton, the cashier, informing them of the facts, and requesting their attendance before your committee at a future day. On the day designated, Mr. Adams, the president of the company, met your committee, and a note was received from Mr. Morton, the cashier, acknowledging the receipt of the note addressed to him, and excusing himself for not attending before your committee on account of the ill health of his family and business that required his personal attention, and informing your committee that Mr. Adams, the bearer of his note, would give all the information required or that he himself would give.

At this interview between your committee and the president of the company, a proposition was made, and acceded to by Mr. Adams, that he should answer in writing interrogatories touching the matters under investigation, to be drawn up and presented to him for that purpose by your committee. The interrogatories (a copy of which is hereunto annexed) were accordingly drawn up and handed to him on the evening of the same day, with a request that he should answer them under oath, according to the best of his knowledge and belief. On the evening of the next day, a long communication was received from him, addressed to the chairman of your committee, taking exceptions to the authority of your committee to call upon him to answer under oath, except so far as is distinctly and particularly provided for in the charter, professing nevertheless to answer the interrogatories, and suggesting "certain mo-

difications of the charter" "in the shape of an amendatory bill to the original act of incorporation," which communication and amendatory bill accompanying it, are hereunto annexed.

The answers to the interrogatories, your committee feel themselves constrained to say, are by no means satisfactory. They are neither so full or explicit as they might have been, and in some respects they appear to your committee to be clearly evasive. From the answer to the ninth interrogatory, it appears the railroad has been located and its location recorded, but that no part of it is built or under contract, and that the evidences of debt granted by the company, do not exceed \$28,000, which amount falls about \$4,000 short of the actual expenditures of the company. From ten to twelve thousand dollars of this paper is now in the hands of individuals "unconnected with the members of the company or its officers," (Vide answer to 2d int.) Where the remaining sixteen or eighteen thousand dollars of the twenty-eight thousand dollars issued, is, whether it has been redeemed and is in the possession of the company, or whether it is in the hands of individuals connected "with the members of the company or its officers," your committee do not take it upon themselves to say, nor are they satisfied from the answer to any one of their interrogatories, or from all the answers taken together—although the question was distinctly asked by the second interrogatory—that any of the paper issued by said corporation has been redeemed by the company. Your committee are not satisfied of this fact, because it is not so stated, in the answer to the second interrogatory, and at most, is only to be inferred from the answer to that and the third and fourth interrogatories. Your committee are also at a loss as to the amount of capital stock paid in. From the answer to the eighth interrogatory, which contains all their information upon this point, it appears that a call of ten per cent. (\$30,000) of the capital stock has been made, and should have been paid on the third inst., that some of the stockholders residing in the state have deposited in the hands of the president of the company, their proportion of the instalment, and that drafts, amounting to several thousand dollars, have been drawn on foreign stockholders to pay their instalments, and that such drafts will probably be paid before the stock will be forfeited under the by-laws of the company.

The evidences of debt issued by the company, your committee believe, are for small amounts, they having seen but two of them, one for five dollars and the other for ten dollars. They are printed on a thin firm paper, such as is commonly used for bank bills, which in size and in all other respects, they resemble, except that they do not purport to be issued by a bank, are made payable at the office of the company, and contain the words, "for value received," in which last respect they resemble a common promissory note, or the bills issued by some of the private banks in Ca-

nada. The paper upon its appearance was evidently designed and intended to become a part of the paper or banking currency of the state. No one who has seen it can for a moment doubt this fact.

By the seventh interrogatory, your committee asked under what part of the act of incorporation the company claimed to issue such paper, and the answer referred them to the whole act, but more especially to the eleventh section of it, which is in these words: "The said president and directors, or a majority of them, shall have power to appoint, contract with, and determine the compensation of all such officers, engineers, agents and servants, whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company: also, to give such evidences of debt which may be incurred by said company, as may be by the by-laws thereof directed, to such an amount as shall be deemed necessary for transacting the business of the same," &c.

Your committee have examined carefully the whole act, and believe the above section to be the only part of the act that has any bearing upon the point, unless it should be the twenty-sixth and last section, which will be adverted to hereafter. What powers were intended to be given to the company by that part of the eleventh section, which speaks of evidences of debt incurred by the company, is not the question. The true question is, does it give to the company the power to create and throw into circulation—whether for debts actually incurred or not—a species of paper known in our country under the name of bank bills, or a paper currency, in contradistinction to a metallic currency, and that paper from individual to individual, in the every-day transactions of life, in payment of debts, as readily as gold and silver, the only constitutional currency of the country. As already stated, the paper issued by the company assumes this character, and the question is, whether the charter authorizes the company to issue it. This is a legal question, and should be brought before a court of justice, and your committee believe it will, in that event, be decided against the company.

In the language of a celebrated civilian, "The modern doctrine is, to consider incorporations as having such powers as are specifically granted by the act of incorporation, or as are necessary for the purpose of carrying into effect the powers expressly granted, and as not having any other. The fourth section of the act shows clearly the object of the charter to be, the construction of a railroad, and all the powers given by the act are subsidiary to this great object, and were given to carry it into effect, and for no other purpose. To arrive at the true meaning and spirit of the act, it

is necessary to keep this object constantly in view, and understand the different sections and parts of sections as referring to it and to nothing else. No part of the act indicates an intention to create a bank, and yet the company claim the right to exercise the most important of all banking powers, the power of creating a paper currency—a right in no instance, to the knowledge or belief of your committee, ever given to any incorporated company, unaccompanied with the right to discount and receive deposits. The terms “evidence of debt” it is true, may be said to include bank bills, as well as every description of commercial paper, or contracts, or writings that acknowledge the existence of a debt. To say, however, the legislature by the use of such terms intended to confer all of these powers upon the company, when they were not necessary to enable the company to construct the railroad, is doing violence to the intention of the creating power. Besides, for the legislature to confer power upon an incorporated company to create a paper currency for the sole purpose of paying its debts, is an anomaly in legislation. For these reasons, and others which your committee cannot dwell upon, they are of the opinion the company have transcended its chartered powers.

If your committee are right in the views they have taken, the sixteenth and last section of the act, which says “all acts and parts of acts contravening the provisions of this act be, and the same are hereby, repealed,” does not alter the case.

Your committee do not deem it necessary to say any thing in relation to the proposition submitted to them. They were not appointed to negotiate with the company, and even had they been, the form for a bill presented to them is too objectionable in its features to have received a moment’s consideration.

Your committee recommend the adoption of the following resolution :

Resolved, That the Attorney General of the state institute legal proceedings against the River Raisin and Lake Erie railroad company, to prevent said company’s issuing notes in violation of the law restraining unincorporated banking associations.

RANDOLPH MANNING,
JNO. S. BARRY,
WILLIAM MOORE.

Interrogatories.

1. Have the River Raisin and Lake Erie railroad company at any time issued bank bills, or evidences of debt, with the design or intention that such evidence of debt should become a part of the paper currency, or circulating medium of the state ?

2. What amount of such bank bills or evidences of debt have the company issued, what amount have they now in circulation,

and what amount of those put in circulation has been redeemed by the company ?

3. Do the company keep an office or banking-house for the purpose of redeeming said paper, do they redeem it with specie, do they always keep on hand specie for that purpose, and if so, what amount have they now on hand for that purpose ?

4. To whom is such paper made payable, is it payable on demand, or at the expiration of a certain period from its date ; after the paper is once redeemed by the company or its officers, is it again put in circulation, or intended to be put in circulation ?

5. Do the company or any of its officers discount promissory notes with the paper issued by the company ?

6. Does such paper pass from individual to individual in payment, as bank bills in ordinary business transactions ? Give a description of the paper, and state by what officers of the company it is signed.

7. Under what part of the charter do the company claim authority to issue such paper ?

8. What amount of the capital stock of the company has been paid in by the stockholders, and has any part so paid in been paid in specie ?

9. What portion of the railroad is completed, and how much is there now under contract, and when is such part to be completed, and what progress have the company made in the building of said road generally ?

The above questions will be answered under oath, according to the best of your knowledge, information and belief.

To HON. RANDOLPH MANNING, chairman of the committee of the Senate, to whom was referred that part of the Governor's message which relates to the River Raisin and Lake Erie railroad company.

I have received the communication of your honorable committee of yesterday, propounding certain questions to me, to be answered under oath, relating to the business concerns of the River Raisin and Lake Erie railroad company, of which I am the President. Entertaining, as I do, a high respect for the committee and for the body of which they form a component part, it is with feelings of regret that I cannot fully comply with the requisitions of your committee—that is, I cannot, consistently with my duties and powers as President of said company, recognize any authority on the part of a legislative committee to call upon me in my official capacity, to testify under oath before a tribunal who are themselves, to a certain extent, a party in the case, to facts relating to the affairs of such company, except so far as is

distinctly and particularly provided for in the charter, and may be found in the twentieth section of the act of incorporation. The information which it is competent and proper for the legislature to call for, pursuant to the provisions of that section, and which is alluded to in the ninth and last query propounded to me by your committee, will be promptly answered, under oath of the proper officers, and will be furnished to your committee in the course of two or three days—a lapse of time deemed necessary to obtain access to the books and papers of the company.

It gives me pleasure, however, to apprise your committee, that I am already under oath, as the president of said company, and that the statements herein made will consequently come before your honorable body, in quite as tangible a shape as if a separate and distinct oath had been taken in the case; and to assure your committee at the same time, that, as a matter of courtesy to the legislature and of justice to myself, I have not the least desire to shield the company to which I belong from a proper investigation of its affairs, particularly as surmises, reports and statements have gone forth, highly prejudicial to the company, instigated, no doubt, by those who are hostile to the progress of internal improvements in the southern and western sections of the state, or by those who have been misled by false statements in the premises.

Under this view of the case, I proceed to answer, in general terms, the questions propounded to me by your committee, with a respectful request that you will communicate the same to the Senate.

1. The River Raisin and Lake Erie railroad company have at no time issued bank bills; they have given their own notes or evidences of debt to whom they have become indebted, for debts actually incurred in connection with the absolute expenditures of the company, connected with the road and its works. As our institutions (see constitution of the United States,) make gold and silver only, a legal tender, it would not be competent for the company to create any other legal currency within the limits of this state, inasmuch as the charter with all its powers, does not confer that privilege. It is enough to say, that it is sufficient for the company to pay their notes when presented, without inquiring into their particular peregrinations between the date on which they have been granted and that of their payment.

2. The company have granted evidences of debt to an amount not exceeding \$25,000, of which sum, from 10 to 12,000 is supposed to be in the hands of a variety of individual holders, unconnected with the members of the company or its officers. I am unable to state the precise amount of the notes which have been paid by said company; but would state that all have been paid which have been presented.

3. The company keep an office in a conspicuous part of the

village of Monroe, "for the convenient transaction of its business," with a fair and legible sign, where all their notes will be paid in specie if required, or other current funds, notwithstanding their charter does not require them to keep specie on hand for that or any other purpose; and they have specie or other current funds on hand, or within their immediate control, sufficient to discharge all outstanding evidences of debt granted by said company.

4. The evidences of debt are granted and made payable only to those to whom the company have been actually indebted; they are all made payable on demand, on presentation at their office in Monroe. No part of the evidences of debt redeemed or paid with the funds of the company, have ever been again suffered to pass from the hands of the officers thereof within my knowledge; and I am unable to disclose the future intentions of the company touching its affairs in this respect, as its affairs are under the control of a board of directors, of which I am but one.

5. Neither the company or its officers, to my knowledge, have ever discounted promissory notes with the evidences of debt granted by the company.

6. The company have not taken upon themselves to inquire what use individuals have made of their notes, holding themselves only responsible to pay them when presented. I herewith present a specimen of the paper on which the notes are drawn, and would state that such notes are signed pursuant to the by-laws of the company, made in pursuance of the act of incorporation, (see section 11,) by the president and cashier of the company.

7. The company claim and exercise authority to "grant evidence of debt incurred by said company," in pursuance of the provisions of the act of incorporation, (see sections 1 to 26 inclusive) and more especially by virtue of power contained in the 11th section.

8. A call of ten per cent. of the capital stock of the company, (\$30,000) was made on the tenth December, payable on the third of January inst. Several of the stockholders residing in the state have deposited in my hands the amount of the proportion of the instalment so called in, subject to be entered upon the books of the company, and drafts to the amount of several thousand dollars on foreign stockholders, have been drawn for the payment of their respective instalments, and will unquestionably be promptly met, pursuant to engagements already entered into to that effect. It is believed that within forty days, (the time limited by our by-laws, prior to a forfeiture of stock) two-thirds of the whole of the said instalment will have been paid in.

9. No part of the railroad is completed—nor has any part of it yet been placed under contract; the road has been surveyed and located, and properly recorded in pursuance of the provisions

of the second section of the act of incorporation ; and will be placed under contract as soon as the engineer arrives, who is shortly expected, and shall give the company the proper information requisite to specify the nature of the contract to be entered into. The road is intended to be completed within *five*, instead of ten years, as required by the charter. But I beg distinctly to be understood when I state the issue of evidences of debt fall short of the actual expenditure already incurred in relation to said railroad, the latter having already exceeded \$32,000, while the evidences of debt, issued by the company, is somewhat less than \$28,000.

Having thus answered in as particular and accurate a form as is in my power, the questions propounded by your honorable committee, I may be permitted to remark in this place, that the stock of the said company has been taken up by as respectable a body of individuals, in the state and elsewhere, as can be found attached perhaps to any other company in the Union ; and that in my opinion, from an intimate knowledge of the transactions of the company thus far, and the views entertained by the stockholders, there does not exist on their part the remotest disposition to either impose upon the public, or to travel beyond the authority granted by their charter. The stockholders have associated themselves together as honorable men, for the purpose of prosecuting a great and important work, not only of importance to themselves, but to the state at large—under the provisions of a charter granted by the legislature. They cannot, consistent with a due regard for their own rights, acknowledge the existence of a power in the legislative department of the government to annul the proceedings already had by the company or contemplated to be had under the authority aforesaid ; or to submit to that body the question of the meaning or construction of powers granted by their predecessors ; belonging, as such questions undoubtedly do, to the decision of other and more proper tribunals, clothed with powers to try and determine. With regard, however, to the powers granted to said company, I am constrained to believe they are in fact, in some respects, more extensive than is strictly compatible with the interests of the public or of the company ; and while I am instructed by the particular official action of the stockholders or directors to make any suggestions or propositions to the legislature, satisfied, as I presume this company are with the charter as it stands—I may be permitted, under the circumstances of the case to suggest certain modifications of the charter, not doubting that if they should be adopted by the legislature, the stockholders would be induced to readily comply with them. They will be found accompanying this communication, in the shape of an amendatory bill to the original act of incorporation. By its provisions the company would be restricted in the powers

to be exercised under the provisions of the eleventh section of the existing act, and would on the other hand be permitted to exercise, under suitable guards, liabilities and restrictions, powers advantageous to the company and by no means unusual or injurious to the public; and as the proposition would be calculated to ensure a much more speedy completion of the road, than by the original act of incorporation, I beg leave to respectfully urge its favorable consideration upon the attention of the Senate, with the single remark that any errors, if they exist in former legislation, touching the pending subject, may be much more easily corrected at the present time, than after the company have been for a more lengthened period in operation.

All which is respectfully submitted.

J. Q. ADAMS,

*President of the River Raisin and Lake Erie railroad company.
Detroit, January 10, 1837.*

A BILL to amend an act, entitled "An act to incorporate the River Raisin and Lake Erie Railroad Company."

§ 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the stockholders of the River Raisin and Lake Erie railroad company, be, and they are hereby, authorized and empowered at any time to augment the capital stock of said company, at any special meeting called for that purpose, a majority of all the votes being given thereupon, under such regulations, restrictions and conditions as the said stockholders shall at such meeting judge proper, to any amount not exceeding six hundred thousand dollars.

§ 2. The stockholders and directors of said company, be, and they are hereby, authorized to open an office of loans, discounts and deposits at the village of Monroe, so soon as the sum of twenty thousand dollars in specie shall have been paid into the treasury of said company, if within six months from the passage of this act; and to transact all such business as any banking association may do or perform, under the rules and regulations herein prescribed.

§ 3. There shall be paid in on the capital stock of said company, in specie or in bills of specie paying banks, within one year from the taking effect of this act, the further sum of ten thousand dollars, and the like sum of ten thousand dollars, on or before the expiration of each and every year thereafter, until the privileges herein granted shall expire of their own limitation, or until the whole amount of the capital stock shall be paid in.

§ 4. The directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, not inconsistent with the constitution and laws of the

United States and of this state, as to them shall appear needful and proper, touching the arrangement and disposition of the stock, property, estate and effects of said corporation, the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a banking association; and it shall be the duty of the president and cashier, whenever thereto required, to furnish the legislature with a statement, under oath or affirmation, of the condition of the financial concerns of the company, stating the amount of the deposits, the profits on hand, the amount of notes or other evidences of debt in circulation, the amount of debts due from the directors, the amount due from the stockholders, the amount due from all other persons or corporations, not however naming them; the amount of specie on hand, the amount of all bills of other incorporated institutions, the amount of their deposits in other banks, the amount of their real estate, and all their other property not herein specified, and shall contain a true exhibit of the state of said corporation.

§ 5. The amount of debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, over and above the specie then actually deposited in the bank, shall not exceed three times the amount of capital stock actually subscribed and paid in, and the property actually owned and possessed by said corporation free from all incumbrance; and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a body corporate or politic, from being also liable for, and chargeable with such excess, but such of the directors as may have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was contracted, shall not be so liable.

§ 6. No loan or discount shall be made to the directors of such corporation, or upon paper which such directors or any of them shall be responsible, to an amount exceeding the capital stock actually paid in and possessed by the corporation.

§ 7. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, his, her or their assignee or assignees, shall be assignable by endorsement thereupon under the hand or hands of any such person or persons, his, her or their assignee or assignees respectively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills, notes or other evidences of debts which may be issued by order of said corporation, promising the payment to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory upon the

same in like manner and with like force and effect as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; and if such bills obligatory and of credit, and such bills and notes or other evidences of debt issued as aforesaid, are not paid when the same are due and demanded at the office of said company, and within usual hours of office business, in legal money of the United States, the privileges granted by this act shall be dissolved, and become null and void: Provided, That it shall and may be lawful for such incorporation to redeem the said bills, notes or other evidences of debt, at any time within sixty days after the same may be demanded at the office of the company as aforesaid; and when any injunction shall be issued on account of any such failure on the part of said company, on payment within the time above limited, together with twenty per cent. damages and cost: And provided further, That nothing herein contained shall prevent an injunction being issued, to restrain the exercise of the powers herein granted by the said company, whenever payment on demand shall be refused, or the continuance thereof, if there be other cause of complaint against such institution.

§ 8. The president and directors of said company shall, so soon as twenty thousand dollars have been paid in, if within six months from and after the passage of this act, provide a suitable and convenient place for the transaction of business, and commence operations; and every cashier and clerk, before they enter upon the duties of their offices, shall each give bond with two or more securities, to the satisfaction of the president and directors, conditioned for the faithful discharge of their duties.

§ 9. It shall not be lawful to withdraw or in any way reduce the capital stock of said company, or any part thereof, without the consent of the legislature.

§ 10. Four directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of necessary absence, when he shall in writing appoint one of the directors to act as president pro tempore.

§ 11. The property of every individual member of said corporation, vested in said corporate funds, shall be liable in the same manner as other personal property is or may be liable by the laws of this state, to the payment of his or her just debts to any of his or her bona fide creditors; and when any execution or attachment shall be issued against the personal property of any such individual member, and the creditor is desirous that the same shall be levied upon the property of such debtor in the said corporate funds, the officer to whom such execution or attachment may be directed, shall levy the same by leaving with the cashier

of said company an attested copy of such execution or attachment, and a written notice that the said execution or attachment is levied upon the property of the said debtor in the said corporate funds; and such property thus levied upon, shall be sold in the same manner as is or shall by law be provided for the sale of personal property taken in execution or upon attachment; and such corporate funds thus levied upon and sold shall be transferred to the purchaser, by entering in the proper book of such corporation a copy of the said execution or attachment, and a statement of the sale of such property by virtue thereof, which entry the officer serving such execution or attachment shall be permitted to make; and upon any execution or attachment being levied upon any share in said company, it shall be the duty of the cashier thereof to expose the proper book of the corporation to the officer, and to furnish him a certificate, under his hand and in his official capacity, stating the number of shares the debtor holds in said company, and the amount of dividends thereon due.

§ 12. The entire stock of said railroad company shall be liable for all debts contracted, and also liable for the redemption of all notes issued by said company, which may be levied upon and sold for such notes and debts whenever it shall be ascertained that the property owned by said company in its corporate capacity is insufficient to discharge the same, in the manner provided for in the last preceding section.

§ 13. The said corporation shall not take more than per cent. per annum in advance on loans or discounts; and the directors shall make semi-annual dividends, commencing on the first Monday of January, in the year one thousand eight hundred and thirty-eight.

§ 14. No note or bill shall be issued by the said company, of a less denomination than one dollar.

§ 15. No assignment of the stock of said corporation shall be valid or effectual, until such assignment or transfer shall be entered or registered in a book to be kept for that purpose; nor shall any stockholder be capable of assigning or transferring his or her stock in the said company, until all notes, dues and debts of whatsoever nature due to the said corporation from such stockholder, either as drawer or endorser of any note or otherwise, shall be first paid and discharged.

§ 16. It shall not be lawful for such corporation to issue, or to have outstanding or in circulation at any time, an amount of notes or bills loaned or put in circulation as money, exceeding three times its capital stock then paid in and actually possessed; nor shall its loans and discounts at any time exceed three times the amount of its capital stock so paid in and possessed.

§ 17. So much of this act as confers banking privileges upon the said corporation shall continue to remain in force for the

term of thirty years from the time on which the same shall take effect: Provided, however, That unless the sum of twenty thousand dollars shall be paid in within six months from the passage of this act, and unless three miles of said railroad, including the distance embraced between the navigable waters of Lake Erie and some central position within the village of Monroe, shall be made and put in operation within one year thereafter; and unless all that part of said railroad lying between the village of Monroe and Blissfield shall be made and put in operation within four years from said last mentioned period; the privileges herein granted shall become void and of no effect.

§ 18. The said company shall pay to the Treasurer of this state one half of one per cent. per annum on the capital stock of said company, first deducting therefrom the expenses attendant upon the construction of said road and its appurtenances, and in the purchase of property, real and personal, belonging to said company, in semi-annual payments, commencing on the first Monday in July next, for the use of the state; and shall be subject to the provisions of an act to create a fund for the benefit of certain moneyed corporations.

§ 19. This act shall take effect and be in force whenever the stockholders of said railroad company shall, at a meeting called by the directors for that purpose, of which previous public notice shall be given in three different public newspapers of this state for at least thirty days, signify their acceptance of the provisions herein contained, and shall have deposited a certified copy of such acceptance, signed by each and every stockholder, by himself or his duly authorized agent or attorney, belonging to such corporation.

(No. 12.)

Report of the Select Committee on the Resolutions of the Senate and House of Representatives concerning the proceedings of the Senate of the U. S. in relation to the President.

The select committee to whom was referred the resolution of the Senate and the joint resolution of the House of Representatives, touching certain proceedings of the Senate of the United States, of March 28th, 1834, in relation to the President of the United States, report:

That they have had the same under consideration. It appears from the journal of the Senate of the United States, of the first session of the twenty-third Congress, that that branch of the national government, did, on the 28th day of March, 1834, on mo-

tion of Mr. Clay, of Kentucky, and by a vote of twenty-six to twenty, adopt the following resolution, viz :

“Resolved, That the President, in the late executive proceedings, in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both.”

By the constitution of the United States, article first, section second, paragraph four—the Senate of the United States is invested with the sole power to try all impeachments, and before and by whom, as a judicial tribunal, the President of the United States is triable for all violations of the constitution—all misdemeanors in office—all infractions of authority and power not conferred upon him by the fundamental law of the nation. The above resolution was adopted by the Senate, in their legislative and not in their judicial capacity. There was no impeachment. There was no opportunity offered to that high officer, of a hearing or defence. There was no regular trial. Notwithstanding all this, it wears the aspect of a judicial sentence of condemnation, and without the imposition of a personal penalty, remains upon the journal of the Senate, as a deprivation of character, which that body had no right by the constitution of the United States, to inflict, without the regular forms of trial enjoined by the instrument itself. To most men, reputation is dearer than life or property. Without touching either of the latter, a sentence of punishment may be passed affecting the former, more severe and cruel in its effect than any judgment of death or imprisonment—or fine or forfeiture. As such, the resolution of the Senate appears to your committee. If the President of the United States had assumed upon himself unconstitutional authority or power, he was liable to be impeached for the same, by the House of Representatives, and the Senate was the constitutional tribunal to hear, try and pass upon him such impeachment. The course pursued by the resolution, seems to your committee to have been unwarranted and an unquestionable assumption of power and authority by the Senate of the United States. Your committee are therefore of opinion, that the said resolution should be expunged from the Senate journal of the United States, as called for by public opinion, as an act of justice to the venerable chief magistrate, whose character it unjustly assails, and as erasing from the prominent history of the country, a stain upon its legislative character.

Your committee therefore recommend the adoption of the joint resolution of the House of Representatives.

JOHN McDONELL,

Chairman.

(No. 13.)

Report of the Committee on State Prisons.

The committee to whom was referred so much of the Governor's message as related to the establishment of a state prison, respectfully beg leave to report :

That they have had the matter under consideration, and are unanimously of opinion that it is impossible, without further examination and time to collect facts, to fix upon any plan which shall serve as a safe and permanent guide to the action of the legislature, and be adapted to the wants of the state. The establishment of an institution of so much importance is not the work of a day, and ought not, in the opinion of your committee, to be commenced without availing ourselves so far as practicable of the experience and improvements of other states.

Your committee, therefore, respectfully recommend the passage of the following resolutions :

Resolved, That three commissioners be chosen by joint ballot of both houses of the legislature, whose duty it shall be to visit and examine such places in this state as in their opinion present the greatest advantages for the location of a state prison ; ascertain such facts as they may deem essential respecting the natural advantages of such places and the peculiar advantages they furnish ; that they be authorized to receive propositions from individuals for a site, and for furnishing materials and erecting such building or buildings as may be necessary for said prison ; that they or some one of them visit and examine the state prisons of such of the United States, whose prisons and whose prison discipline are on the most approved principles, and report what plan is preferable, as well as what system of prison discipline is in their view the most humane and most efficient for answering the ends of the institution, and that they report in the premises at the next session of the legislature.

Resolved, That each of said commissioners be allowed dollars per diem for his services while *bona fide* engaged in performing the duties aforesaid.

JOHN CLARK, *Chairman.*

(No. 14.)

Report of the Committee on Militia.

The standing committee to whom was referred that part of the Governor's message relating to the militia, would beg leave to report :

That they have had the same under consideration, and are de-

cidedly of the opinion that the present law organizing the militia is inefficient to the object intended, and ought to be abolished. Your committee are further of the opinion that all regimental, battalion and company drills are attended with no benefit to either officer or private, and should be dispensed with, at least so far as relates to calling out of the privates. Your committee are further of the opinion that the only advantage to be derived from drills, can only be effected by compelling the officers, non-commissioned officers and musicians to perform camp duty a certain length of time in each year. It is the opinion of your committee, that this may be effected by creating a military tax, to be imposed upon every male person over the age of twenty-one years. This might be considered as an experiment, but your committee have ascertained by calculation, that the amount accruing from drilling the officers, non-commissioned officers and musicians one week, or six days, at three dollars per day, in each regiment, would save to such regiment, (provided they should be called out as is provided by the present law,) between ten and eleven hundred dollars, allowing one dollar per day for each individual subject to military duty.

J. D. DAVIS, *Chairman.*

Detroit, January 23, 1837.

(No. 15.)

Documents relative to the settlements on the Niles Reservation.

To the Senate and House of Representatives :

I transmit for the consideration of the legislature, the remonstrance of the pre-emption claimants on the Niles reservation, asserting their title to lands which have been selected by the state for state purposes, under the act of July 25th, 1836. The remonstrance seems to be intended for the action of the Executive, but as his power over the subject was exhausted as soon as the lands were selected by him for the state, the whole matter is referred to the legislature for their consideration.

The claimants set forth fully in their remonstrance, and the accompanying documents addressed to the President of the United States, the grounds upon which their right to the pre-emption of these lands is based. With this, however, the state of Michigan can have no concern, as it is a question exclusively within the province of the federal government, to determine upon the validity of these claims. I have endeavored to give the subject submitted by the claimants a careful investigation, and with every desire to lend my aid in protecting the rights of the actual settler.

I have been unable to determine upon any course of procedure which could at present be adopted without jeopardizing the claims of the state to the lands in question, as well as those of the individual claimants themselves.

It is true, the state might, with the approbation of the Secretary of the Treasury of the United States, release her claims to these lands; but were this done, the rights of the pre-emption claimants would only be placed in a more hazardous condition by the procedure. Their claims are now before the government of the United States for confirmation, and should it be determined that they are valid, the claim of the state, under her location, must of course become void. The selections of the state have not as yet been confirmed, and in all probability will not, until a final disposition is made of the conflicting individual claims to the same lands. Should the pre-emption claims be rejected, the selections of the state will and should be confirmed. It is far better for the interests of the individual claimants, in the event of failure in securing their possessions, that the state should become the proprietor of the lands, than that they should be brought into market and made a contested object of purchase between speculators. If the lands in question should, under a sale by the government of the United States, become the property of individual purchasers, the pre-emption claimant can expect no relief: with the state he would have an equitable claim to payment for his improvement; a claim which the state, I am satisfied, would not feel disposed to disregard.

With this view of the subject, it is submitted to the legislature to adopt such measures as their better judgment may suggest.

STEVENS T. MASON.

January 30, 1837.

To his Excellency, STEVENS T. MASON, Governor of Michigan:

The remonstrance of the inhabitants on the Niles reservation, Berrien county, respectfully sheweth; that your petitioners, having been informed that the commissioners for locating the semi-ary lands in this state, have made some locations on this reserve, which, if carried into effect and established, will be very detrimental to the settlers, clashing with the *legal* rights of some, and the *equitable* interest of others, would solicit the attention of your Excellency to the following considerations:

By an act of Congress of June 19th, 1834, it was enacted that all settlers on the public lands at the passage of that act, and who had cultivated any part thereof during the year 1833, should be entitled to a quarter section at the minimum price of the government lands. Not a small portion of the lands located on this reserve, are manifestly subject to the aforesaid pre-emption law;

being in the possession of *actual settlers*, and cultivated by them during the year 1833, and from and since that time up to the present.

The legal advocates of anti-pre-emption principles, who understand at all the rights of the settlers on this reserve, admit that these lands became *public* and subject to sale and pre-emption on the ratification of the treaty of Chicago by the Senate of the United States, previous to the passage of the last pre-emption; the said treaty having been ratified in May, 1834; and moreover that they were public lands from the *date* of the treaty, as every thing done subsequently relates back to the original signing and sealing, and takes effect from that time; and moreover that they were so, even before treated for, as the nature of the Indian title is not repugnant to the idea that the fee is in the government, the lands *public* lands and subject to sale and pre-emption even before the Indian right of occupancy is extinguished; and moreover that many of the settlers on this reserve will hold their lands as against any adverse claims whatever. It is therefore manifest that the seminary locations which have been made on these actual and bona fide settlers, cannot hold.

Another portion of the claims on this reserve have originated since the year 1833, the date of the treaty of Chicago, or its ratification; and if the foregoing considerations be not applicable to this class, still there is another view of the subject, which clearly exhibits the *equity* of these claims. Several pre-emption laws had encouraged squatting on the public lands, and these settlers came on here, relying on the justice and good faith of the general government, that the course of public policy so long pursued with regard to the public lands, should not be suddenly abandoned to their prejudice. On this implied faith they invested their all in improvements, developed the resources of the country and enhanced the value of the adjacent lands many thousand dollars. To deprive them of their possessions, and thereby drive them out of the country, (as very few if any of them would be able to compete with the rich speculator,) under such circumstances, would be palpable injustice to them, and a breach of duty on the part of the government, as the guardian of the people's rights.

If then a part of these claims are vested and indefeasible rights, and the others are held by a sacred and equitable tenure, we are confident that neither the commissioner, your Excellency or any of our public agents, will persist in their violation.

We therefore respectfully submit, if these seminary locations on the claims of 1833 *can* hold, or those on the *equitable* claims made since, ought to. There is an abundance of government lands, from which the commissioner might have made his selections without conflicting with the claims of any; and your petitioners humbly conceive, that he had no more *right* to locate here

than on the lands of those who hold them by inheritance from their ancestors, and they would discard the idea of the necessity of resorting to our judicial tribunals to try the titles to their lands, or of resorting to any measure derogatory to the wisdom of their public agents.

Your petitioners therefore remonstrate against any locations that have been made on the actual settlers, and humbly pray your Excellency to make such order or action in the premises as to your wisdom shall seem meet and proper.

(Signed)

T. B. WILLARD,
and 195 others.

Indian Reserve, Berrien county, Jan. 18, 1837.

EXECUTIVE DEPARTMENT, }
February 7, 1837. }

To the Hon. EDWARD MUNDY, President of the Senate :

SIR—The remonstrance of the pre-emption claimants on the Niles reservation having been referred to the legislature, I herewith transmit an additional remonstrance, with the request that it may be laid before the appropriate committee.

I have the honor to be

Your obedient servant,

STEVENS T. MASON.

To his Excellency STEVENS T. MASON,

Governor of the State of Michigan :

The remonstrance of the undersigned, citizens of Berrien county, Michigan, respectfully represents, that your petitioners have heard, with unfeigned regret, of the recent locations made under the direction of your Excellency, of a part of the public lands, granted by the United States to this state, for seminary or state purposes, on what is called the Indian reserve in this county. Your petitioners, who do not live on the said reserve, but adjacent thereto, and who have no claims or interest therein, know this reserve to be covered with actual and bona fide settlers, who, during the last few years, allured by the late pre-emption laws and policy, have fixed their homes upon it. By the labor and expense of the settlers in building and in cultivation, it is now the best settled and best cultivated portion of Berrien county. Your Excellency will be surprised, when informed by the undersigned, that there is not a single quarter section on this reserve unsettled or uncultivated, and that there are two hundred voters upon it, who obtain a livelihood therefrom. In view of these facts, which we presume were in a great measure unknown to your Excellency at the time the said locations were made, we would respectfully remonstrate against the said locations; and petition that they may be raised and located elsewhere, that the heavy

grievances under which a large and respectable portion of your constituents now labor, may be removed. By so doing, you will guard the equitable and legal claims of the settlers to their lands, their improvements and their homes; will avert ruin and desolation from a large and prosperous portion of our county, and save it from this fatal blow at its general growth and prosperity. And your petitioners, as in duty bound, will ever pray.

January 30th, 1837.

(Signed)

JOSEPH N. CHIPMAN,

and 119 others.

To the Hon. the Senate and House of Representatives of the State of Michigan, now in session.

The following communication of the undersigned, appointed a committee to draft the same at a large and respectable meeting of the settlers on the Indian reserve in Berrien county, holden March 1, 1837, respectfully sheweth, that the subscribers would not trouble your honorable body any further with their grievances, but for the belief that neither the rights of the settlers or the interests of the state are fully understood. The undersigned cannot believe that the moral sense of this community will approve that course of policy which is beginning to develope itself in relation to the rights of a large and respectable portion of our fellow-citizens on the Indian reserve in Berrien county. They need not narrate to you the history of these pioneer-settlers, or the scenes of their self-denial, toils and sufferings, nor report what has been so often said, that the policy of the general government with regard to the public domain is the only cause of that discouraging—nay, even hopeless condition in which we now see them—nor say that every farthing they are worth has been expended in their improvements, and let the state of Michigan take this from them and it is not in human description to portray a worse or more pitiful condition than most of them would be in. The grievance about which the subscribers complain is, that about twenty sections of land for seminary and state purposes have been located on actual settlers, on their cultivated farms on this reserve, which is the best cultivated and most densely populated part of Berrien county. Soon after the commencement of the present session of Congress, it is matter of public notoriety that there was every prospect of the passage of a general pre-emption law. The settlers, as they could not anticipate the provisions of that law, and as the aforesaid locations had not been confirmed by the Secretary, remonstrated against the said locations, and petitioned his excellency Stevens T. Mason, as well as the legislature, to release the claim of the state and to request the Secretary of the Treasury to withhold his approval and not to confirm them. Within the last few

days this subject has assumed a new aspect, and the prospects of the settlers are in the greatest jeopardy. An amendment has been introduced into Mr. Walker's land bill, which withers the last hope of the settler, and cuts him entirely off from the pre-emption privilege. This must excite the sympathy of your honorable body, which we doubt not has the greatest respect for the rights of the settlers and the welfare of your constituents, and lead you, before the close of the present session, to adopt some mode for their relief, as the state may release her claims to these lands by the simple and easy method of informing the Secretary of the Treasury that she does not insist on his approval of the said seminary and state locations. The Governor, in his special message, intimated that the state locations would become void if a pre-emption law passed. How then must your honorable body not feel when you perceive that the amendment above alluded to, unless the locations are raised, will entirely ruin about one hundred families on the Carey Mission?

If the land bill before the House should not pass, the settlers had rather risk their chance of the passage of a future pre-emption law, or even of competing with speculators (for they cannot be so fool-hardy as to bid against them,) than of obtaining the value of their improvements on their lands from the state on such terms as the state herself may impose. Believing, as they do, that their lands are not so valuable that the state can pay them the full value of their improvements, and still make it a good selection for the state, and that if she intended to pay them the worth of their improvements, she was not well advised in making the selection. Fearing that she intends to endow a splendid seminary at the poor settlers' cost; or in other words, that she intends to take the value which the sweat and toil of the settler has given to these lands, and appropriate it to her own use; nay more, to take the hard earnings of poor settlers and in a few cases, superannuated pensioners, widows and orphans, to erect and gild a splendid state seminary.

Your petitioners would therefore humbly pray your honorable body to release her claim to these locations—to grant the settlers, on whose behalf and by whose authority we address you, the lands they now occupy, and their improvements.

The subscribers would only add, that the thought of endowing a state institution, or of advancing the state interests in this way, is, in their humble opinion, a violation of the principles of equity—of republican rights—of the pre-emption principle, and moreover, of the moral feelings of the community.

J. V. CUMMINS,	} <i>Committee.</i>
B. J. CADY,	
ROBERT CASSIDAY,	
JOB BROOKFIELD,	
ALANSON H. PIDGE.	

Niles, March 1st, 1837.

Washington, January 11, 1837.

To his Excellency ANDREW JACKSON,
President of the United States :

SIR—Having visited the seat of government, for the purpose of presenting at the proper department, certain pre-emption claims to lands lying in the state of Michigan, I am desirous of doing so under the eye of the President.

The history of the claims to which I allude, is as follows: By a treaty held at Chicago, Illinois, in the month of September, 1833, the right of occupying the Carey Mission and Nottawasippe reservations, in Michigan, was ceded by the Indians to the United States. Soon after the conclusion of the treaty, a few individuals settled and began to make improvements on these reservations. It is undoubtedly true that some of these settlements were made with the express view of obtaining pre-emption rights to the land. A disposition to acquire the public lands is well known to be almost universal among western people. The fondness with which this sentiment is entertained, cannot be wondered at; since it is the shortest and safest of all roads hitherto discovered to competence and wealth. The individuals who took possession of some of the land ceded at the treaty of Chicago, with the expectation of obtaining thereby a pre-emption right to the same, were under the impression that Congress, having already passed two pre-emption laws in succession, would not refuse to pass a third. They judged wisely. Congress, at its next session, did pass a law, which was approved on the 19th June, 1834, allowing those *who had cultivated any part of the public lands of the United States during the year 1833, and were in actual possession of the same at the time of the passage of that act, to purchase the same, to the amount of one quarter section, at the minimum price of government lands.*

In addition to those who were actuated by the motive above described, there were some who settled through mistake; owing to their ignorance of the lines of the aforesaid reserves; and others, who were too poor to purchase land elsewhere, sought a home on the lands belonging to the United States.

Notwithstanding the prevailing sentiment on this subject, but few settlements were made on any of the lands ceded at Chicago, so as to come within the requisition of the law of the 19th of June, 1834. In the territory of Wisconsin, according to the best information in my possession, there arose but three cases. In Illinois, none. On the before mentioned reservations in Michigan, I am unable to state the exact number, but feel myself warranted in saying that it does not exceed thirty.

The law of the 19th June, 1834, expired on the 19th June, 1836; and previously to its expiration, the claims enumerated above were duly preferred at the land offices to which they re-

spectively belonged. The land offices at Green Bay, in Wisconsin, decided at once in favor of the applicants; and they are at this moment in the possession of their lands. The officers at Bronson, on the contrary, pursued a course in relation to the same subject, not only at variance with the promptness which characterized the decision just mentioned, but in other respects, as I conceive, detrimental to the rights of the claimants.

As soon as the surveys were completed on the Carey Mission and Nottawaseppe reserves, and the tracts claimed by pre-emption could be designated at the office, the applications were handed in, attended by all necessary and proper proof, according to the customary form. Some of these applications were placed on file as early as the 1st of January, 1836; and yet their consideration was put off from time to time until the pre-emption law had in fact expired. On the 2d of August last, the individuals interested were notified, by public advertisement in the papers, to appear once more at the land office for a final settlement of their affairs. The summons was joyfully obeyed. But after several days spent in making answers to the same questions which had been both asked and answered in the first instance, the pre-emptionists were doomed to return once more to their distant homes, with increased embarrassment and perplexity of mind. At this late hour, the receiver indicated a wish to consult with the commissioner of the general land office, at Washington, on the meaning that was to be attached to the following article in the treaty:

"Art. 3. All the Indians residing on the said reservations in Michigan shall remove therefrom within three years from this date, during which time they shall not be disturbed in their possession, nor in hunting upon the lands as heretofore. In the mean time no interruption shall be offered to the *survey and sale* of the same by the United States. In case, however, the said Indians shall sooner remove, the government may take immediate possession thereof."

This objection to the validity of the claims, utterly futile as it must be considered to be, had the effect to originate another of a more plausible nature, and proceeding from a much higher source. The commissioner, in his reply to Mr. Sheldon, is understood to have viewed the above article of the treaty in its true light. At the same time he expressed an opinion, that the lands in question could not be made subject to the operation of the pre-emption law, since they only became *public lands* of the United States from and after the date of the ratification of the said treaty by the Senate. On the receipt of this opinion at Bronson, all further action on the subject of pre-emption claims was indefinitely postponed.

The treaty, which was concluded on the 26th and 27th days of September, in the year 1833, was acted on by the Senate on

the 22d of May following, and, as I humbly conceive, *ratified*;—the resolution of the Senate running as follows :

“ That the Senate do advise and consent to the ratification of the treaty made on the 26th day of September, 1833, at Chicago, by George B. Porter and others, commissioners on behalf of the United States, and the united nation of Chippewas, Ottawas, and Pottawattamies Indians, and the supplementary articles thereto, dated the 27th day of September, 1833.”

That this action of the Senate was a complete and final ratification of the treaty, is proved by the fact that they have never since entered on the consideration of it. On the 11th of February, 1835, the Senate again resolved as follows :

“ That the Senate do advise and consent to the *alteration* proposed by the chiefs of the united nation of Chippewa, Ottawa and Pottawatamie Indians, concluded at Chicago in the state of Illinois, on the first day of October, 1834, to the treaty concluded between the commissioners on the part of the United States and the chiefs of the said united nation on the 26th of September, 1833 : it being expressly understood by the Senate that no other of the provisions of the resolution of the Senate of the 22d day of May, 1834, *ratifying the said treaty*, shall be affected, or in any manner changed, by the said proposed alteration of the 1st October, 1834, excepting the proposed alteration in the boundaries therein mentioned, and the sums of money therein stipulated to be paid.”

That this was not a *ratification* of the treaty concluded at Chicago, on the 26th and 27th days of September, is a matter too evident to be commented on here. I deem it fair to infer from these premises, that if the treaty of Chicago was not ratified on the 22d day of May, it has not been ratified up to the present moment. It follows, I presume, that those claimants of pre-emption who resided on the Carey Mission and Nottawaseppe reserves on the 19th of June, were in the words of the pre-emption law of that date, “ settlers on the public lands of the United States.”

I have thus far proceeded on the supposition that the commissioner of the general land office was correct in the opinion which he communicated to the receiver of the land office at Bronson ; and I flatter myself I have made it apparent that even by Mr. Brown's own shewing, the claimants are entitled to the land. The following brief, however, for which I am indebted to a legal friend, makes it apparent that the commissioner has taken a too hasty view of the subject.

“ 1. Treaties are treated as contracts, and subject to the same rules of interpretation as other contracts.

“ 2. Treaties, like deeds or grants, take effect from their date or execution.

"3. A part of the consideration passed at the time of signing and sealing the treaty. Article 3d of the original treaty.

"4. The treaty *expressly* confers upon the United States the power to survey and sell the lands immediately after its execution. Art. 3d of the Sup. articles.

"5. The original and supplementary articles were ratified by the Senate previous to the passage of the last pre-emption law—and in their resolution of the eleventh of February, 1835, the Senate refer to their resolution of May 22d, 1834, as *ratifying* the said treaty.

"6. But if the above considerations do not prove beyond a doubt that those reserves were *public lands* from and after the execution of the treaty in September, 1833—or from and after the ratification in May, 1834, the following view of the subject proves that they were *public lands* even before they were treated for. In *Fletcher vs. Peck*, in the sixth volume of Cranch's Reports, one of the learned counsel discourses thus—"The rights of Government are allodial. The Crown of Great Britain granted lands to individuals, even while the Indian claim existed, and there has never been a *question* respecting the validity of such grants. When that claim was extinguished, the grantee was always admitted to have acquired a complete title. The Indian title is a mere *privilege* which does not affect the allodial right;" and the opinion of the court runs thus—"That the nature of the Indian title, which is certainly to be respected by all courts until it be legitimately extinguished, is *not such as to be repugnant* to a seizin in fee on the part of the state"—and of course on the part of the grantees of the United States.

"In *Johnson vs. McIntosh*, 8 Wheaton's Reports, it is argued, that the Indian title to lands is a mere right of usufruct and habitation, without the power of alienation. By the law of nature, they could not acquire a fixed property capable of being transferred. By the same law, the *measure* of property by occupancy is limited by the extent of men's wants, and their capacity of using it to supply them. It is a violation of the rights of others to exclude them from the use of what we do not want and they do. Upon this principle the North American Indians could have acquired no proprietary interests in the vast tracts of territory which they wandered over; and their right to the lands on which they hunted, could not be considered as superior to that which is acquired to the sea by fishing in it. The use in the one case as well as in the other is not exclusive. According to every theory of property, the Indians had no *individual* right to land; nor had they any collectively, or in their national capacity; for the lands occupied by each tribe were not used by them in such a manner as to prevent their being appropriated by a people of cultivators—and the court say, 'It has never been doubted, that the

United States had a clear title to all the lands—subject only to the Indian right of occupancy.’ ‘The exclusive right of the United States to grant the soil and to extinguish the Indian title, has never, we believe, been doubted.’ ‘The power now possessed by the government of the United States to grant lands, resided, while we were colonies, in the Crown or its grantees. The validity of the titles given by either has never been questioned in our courts. It has been exercised uniformly over territory in possession of the Indians. It is absolute. All our institutions recognized the absolute title of the Crown subject only to the Indian right of occupancy, and the power of the Crown to extinguish that right.’

“The same question has been frequently raised in the Supreme Court of the United States since, and to use the words of Judge Marshall, in *Mitchell et als. vs. United States*, reported in the 9th of Peters, ‘*has received universal assent.*’”

I am happy in being able to add, that in this case, justice and equity lend their powerful assistance to the law. If it be right, as Congress has at three different times declared it to be, to give to settlers on the public lands a pre-emption right to purchase their improvements, it cannot be wrong to grant the same privilege to those residents on the Carey Mission and Nottawaseppe reserves, who have complied with the requisitions of the last pre-emption law.

I have the honor to be,

Very respectfully,

Your obedient servant,

O. P. LACEY,

Agent for the Claimants.

(No. 16.)

Report and resolutions of the legislature of the state of Georgia relative to the Surplus Revenue of the United States.

To the Senate and House of Representatives :

In compliance with the request of the Governor of the state of Georgia, I herewith transmit to the Senate and House of Representatives, the report and resolution of the legislature of that state, on the subject of the surplus revenue of the United States.

STEVENS T. MASON.

March 1, 1837.

EXECUTIVE DEPARTMENT, GA. }
 Milledgeville, 9th January, 1837. }

To the Governor of the State of Michigan :

SIR—Annexed I transmit to your Excellency, a copy of the report and resolution of the committee on the state of the republic of the state of Georgia, on the subject of the surplus revenue of the United States, which you will please lay before the legislature of the state over which you have the honor to preside.

I have the honor to be,

Very respectfully, your obed't serv't,

WILLIAM SCHLEY.

Mr. Hudson, from the committee on the state of the republic, to whom was referred so much of the communication of his excellency the Governor which relates to the act of Congress, approved the 23d day of June last, on the subject of a portion of the revenue of the federal government, proposed to be deposited with the states, reports :

That the subject referred to the consideration of your committee, is one of embarrassment and complication. It is one that those who best understand the theory and practical operation of the federal government (it seems to your committee,) could not have anticipated, nor its direct influence provided for in the sacred charter of compact which so happily unites these states together in a federal government, for certain specific purposes.

By the act of Congress referred to, a certain portion of the public revenue is tendered to the several states, by the federal government of the Union, for their reception, at four specified times during the year of one thousand eight hundred and thirty-seven, on deposit, and the times at which said deposits are offered to be made with the states by the general government, are clearly specified by the said act of Congress, as before referred to. By referring to the first paragraph of the eighth section of the first article of the constitution of the United States, it is declared, that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States;" but no grant of power is given by which Congress has the delegated rights to lay and collect more revenue than the legitimate wants of the federal government may require for the specified purpose of its execution.

Your committee, however, feel it to be their duty to state to the General Assembly, that if it could be ascertained, that the other states of this Union would not receive the proportion of the said revenue allotted to them by the act of Congress as aforesaid, that they would, without hesitation, recommend to the legislature not to receive the proportion which may be allotted to Georgia. But as such precise information cannot be had during the session

of the legislature in time to be acted on, and it is now known that some of the states will receive their respective proportions of the said surplus revenue on the terms offered, and others may also receive their proportions, and if this state should refuse to receive her proportion, the public benefits and burthens, now operating most unequally, would be increased to a very considerable extent, your committee have, therefore, reported a bill to the legislature to receive the proportion of the said surplus revenue, which may be allotted to Georgia under the said act of Congress.

But your committee, in the name of and for the people of Georgia, do most solemnly protest against the exercise of the assumed power of the general government, by which the surplus revenue proposed to be deposited with the states was raised, and the right of Congress to distribute the surplus of its treasury to the several sovereign states of this confederacy involved in the distribution thereof, and they do most unequivocally appeal to those in the exercise of the powers of the federal government, so to reduce the receipts that the revenue hereafter raised may be only so much as will be necessary for the legitimate wants of the government ; and they do, in the name of the good people of Georgia, appeal to the states of this Union to protest against the exercise of powers by the federal government, calculated to produce discontent and dissatisfaction with the states who are parties to the compact of this Union. Your committee, therefore, recommend the adoption of the following resolution :

Resolved, That his excellency the Governor be, and he is hereby, requested to transmit a copy of this protest to the governors of each of the states, with a request that the same may be laid before the legislatures thereof, and a copy to the President of the United States, and also a copy to each of our senators and representatives in the Congress of the United States, with a request that the same may be laid before both Houses respectively.

In Senate, unanimously agreed to, December 1st, 1836.

ROBERT M. ECHOLS,

President of the Senate.

Attest, JOHN T. LAMAR, *Secretary of the Senate.*

In the House of Representatives, concurred in, 24th December, 1836.

JOSEPH DAY,

Speaker of the House of Representatives.

Attest, JOSEPH STURGES, *Clerk.*

Approved, 28th December, 1836.

WILLIAM SCHLEY, *Governor.*

(No. 17.)

Report of the Commissioners appointed by the act of March 28, 1836, to audit the claims for Supporting the Supremacy of the Laws.

A.				
No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
34.	Alexander, James	\$11 37½		
136.	Austin, S. R.	4 87½	\$9	
142.	Andrews, T.	227 06		
197.	Avery, William	50		
232.	Avery, C. H.	11		
233.	Arnold, James	3 75		
		<hr/>	<hr/>	
		\$308 05½	\$9	
B.				
3.	Brownell, George	\$5 66	\$45 66	
14.	Brownell, John S.		53 70	Not allowed.
30.	Bartlet, T.		11	Not allowed.
37.	Bates, Alford G.	8 12½		
48.	Belaire, Alexander	3 25		
50.	Bordet, Eli	3 25		
51.	Bourgard, Hyacinth	3 25		
54.	Burdino, Augustus D.	6 50		
57.	Bernard, Louis	3 25		
76.	Brownell, John S.	17		
82.	Bliven, J. B.	57 30		
88.	Briggs, E.		110	Not allowed.
126.	Ballard, J.	42 87½	61 21	
127.	Baxter, B. L.	4 87½		
128.	Boughton, S. C.	4 87½	9	
129.	Buel, Thomas	3 25		
130.	Binaway, E. A.	4 87½	7 50	
131.	Button, Jesse	4 87½	9	
132.	Blood, S. J. F.	3 25		
133.	Backus, Andrew	20	150	
134.	Brown, John	4 87½		
135.	Blanchard, Stillman	6 50		
143.	Botsford, S.	22 50		
144.	Birch, Allen	36 07		
145.	Bullon, Sarah	61 32	86 32	
175.	Bangs, John	16	24	
181.	Blanchard, Stillman	150	158	
184.	Brown, George	16	24	
188.	Brithe, John	16	24	
		<hr/>	<hr/>	
Carried forward,		\$	\$	

DOCUMENTS.

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No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
193.	Blanchard, S. F.	116 50	128 50	
213.	Blione, L. B.	57 50		
214.	Ballard, Jesse	25	30	
234.	Barns, M.	6 50		
235.	Borrow, Joseph	3 25		
236.	Borrow, Gilbert	3 25		
237.	Bradford, John	6 50		
238.	Bourgor, Alexis	12 50		
239.	Bigalow, George N.	4 87½		
240.	Bradford, John	20		
241.	Borrow, Antoine	6 50		
242.	Borrow, Bazile	3 25		
243.	Barber, Samuel	16 25		
244.	Beach, Hyland	6 50		
245.	Brown, J. S.	13		
246.	Bartlet, John A.	1 62½		
247.	Bartlet, Louis	3 25		
248.	Bennitt, Albon	4 87½		
250.	Burch, Ethel	4 87½		
251.	Bailey, Louis E.	9 75		
253.	Beardsley, J. S.	3 25	4 12	
254.	Bartlet, Samuel	4 87½		
255.	Bacon, D. S.	75		
256.	Buchard, Joseph	2		
		<hr/>	<hr/>	
		\$936 60	\$936 01	

C.

16.	Clark, Thomas (assignee)	\$97 50		
17.	Clark, Thomas	163 20		
24.	Collier, S. H.	20		
45.	Couseno, Bazile jr.	3 25		
61.	Couseno, Francis	5		
64.	Carmon, John	1 25		
78.	Comstock, E. B.		\$16	Not allowed.
89.	Card, Platt		65	Not allowed.
121.	Curtiss, Samuel S.	3 25		
122.	Curtiss, Alonzo	4 09		
123.	Curtiss, Noble	5		
124.	Cook, Edward	4 87½		
125.	Cook, Samuel	4 87½		
173.	Camburn, William	18	27	
191.	Conklin, S. G.	16	24	
		<hr/>	<hr/>	
Caried forward,		\$	\$	

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
195.	Cleveland, Salter	45	58 13	
198.	Curtiss, Monroe	6 25	8 25	
200.	Collins L. & Co.	37		
201.	Coesing, Francis	5		
202.	Cornell, James	1 50		
205.	Collins, J. W. & Co.	34	48 50	
208.	Cousenou, Francis	18 16		
215.	Cook, M. B.	14		
223.	Clark, Jacob	10		
225.	Carpenter, Guy	4		
227.	Cousenou, Francis	5		
249.	Collins, S. L. & co.	39		
257.	Cook, Ashbel	5	20	
258.	Charland, Ambrose	3 25		
259.	Couture, Domineke	8 12½	10	
260.	Charter, Harry	3 25	5 50	
261.	Charter, Francis	3		
262.	Curtis N. D.	7 25	10	
263.	Canniff, E. C.	3 25		
264.	Conren, P. C.	9 75		
265.	Clark, R. G.	76 11		
266.	Charter, Orange	3 25		
267.	Charter, Francis	3 25		
269.	Compeau, Antoine	10	12	
270.	Colbath, Lemuel	6 80		
271.	Cassar, John Bt.	4 87½		
272.	Compeau, John Bt.	3 25		
273.	Clark, L. P.	4 75		
274.	Collins, P. B. & Co.	95 79		
275.	Clark, Henry jr.	9 75		
276.	Cornell, James	16 28	30	
279.	Chase, Alvin	11 50	31	
	Cole, F. W.	10		
		<hr/>	<hr/>	
		\$863 35	\$360 38	
D.				
35.	Drown, Appollus	\$8 12½		
44.	Duso, Gabriel	3 25		
56.	Duval, Joseph	3 25		
77.	Dorr, J. R. & Co.	798		
90.	Dodd, E. B.		\$77 90	Not allowed.
120.	Downing, Nelson	1 62½		
148.	Davis, Martin	5		
		<hr/>	<hr/>	
Carried forward,		\$	\$	

DOCUMENTS.

121

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	•		
149.	Davis, Martin	32		
220.	Densmore, John	5		
277.	Druror, John Bt.	3 25		
278.	Dunbar, Almon	1 62½		
280.	Darrah, Henry B.	16 25		assigned to Jos. Wood.
281.	Duval, Stephen	1 62½		
282.	Duval, Michael	5	\$8	
283.	Darrah, Franklin	4 87½		
284.	Duffield, John	1 62½		
285.	Darrah, James	1 62½		
286.	Duval, Stephen	5		
287.	Dunbar, Austin	3 25		
288.	Druror, Antoine	3 25	10	

\$903 62½ \$95 90

E.

31.	Ellis, Edward D.	\$5	
58.	Emerson, George W.	3 25	
73.	Eaton, James C.	3 25	
146.	Elmore, Aaron W.	12 61	
219.	Egleton, P.	1	
289.	Everett, Reuben	16 25	

\$41 36

F.

117.	Fargo, Stephen	\$4 87½	\$9
150.	Field, Jonathan E.	27	40
187.	Franklin, Wheeler	16	24
196.	Fargo & Boughton,	57 36	
290.	Fletcher, William	4 87½	
291.	Felch, Alpheus	14 62½	

\$124 73½ \$73

G.

11.	Gage, David		\$35	Not allowed.
66.	Gay, Simon	\$8 38		
115.	Gilmore, Asa		3	Not allowed.

Carried forward, • •

Q

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
116.	Griswold, George R.		30	Not allowed.
118.	Gray, William	4 87½		
119.	Guion, I. S.	3 25		
151.	Goodridge, H. P.	15	18	
167.	Gilmore, Asa	16	24	
169.	Goodley, B. F.	16	24	
292.	Gale, Sam'l H.	6 50	20	
293.	Goodenough, N. H.	3 25		
294.	Garwood, J. C.	15		
295.	Gagnier, Lewis	3 25		
296.	Godfroy, William H.	6 50		
	Daniel Goodman, Q. M. G.	144 43	175 83	
		<hr/>	<hr/>	
		\$242 43½	\$330 33	

H.

2.	Hickox, Jos. (assignee)	\$39		
67.	Heath, Horace	11 74		
68.	Heath, Horace	25 94		
69.	Heath, Horace	2 75		
74.	Hascall, Charles C.	89	\$155	
75.	Hascall, Charles C.	53		
107.	Hungerford, Horace	3 25		
109.	Hall, Joseph E.	4 87½	9	
110.	Howes, Sanford	3 25		
111.	Hampton, James B.	4 87½		
112.	Hartshorn, Harvey		8	Not allowed.
113.	Humphrey, L. S.	22 75		
114.	Hewett, Charles		45 14	Not allowed.
152.	Higby, Edward	3	5	
153.	Harrington, Aaron B.	2 50		
174.	Hunter, Thomas	16	24	
177.	Hinman, Justus	16	24	
182.	Himrod, Nathaniel	16	24	
194.	Harrison, Wilson	3	4	
207.	Hartsley, Jacob	14 62	20 62	
211.	Hunt, C.	7 50		
216.	Hall, Seneca	14 3		
218.	Hicks, John	2 50	3 50	
252.	Hubble, John A.	8 25	16	
297.	Haswood, John A.	8 12½	15	
298.	Hurd, Lyman	55 25	96 50	
300.	Hurd, Lyman	5		

Carried forward,

\$. \$

DOCUMENTS.

123

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
301.	Hotchkiss, B.	3 25		
302.	Hall, Ephraim	3 25		
303.	Hirtsler, J. C.	61 75		
304.	Hill, I. R.	\$16 25		
306.	Huyck, Wm. F.	3 25		
307.	Hayt, M. G.	3 25		
308.	Hall, D. A.	6 50		
309.	Hall, I.	3 25½		
310.	Harrison, Robert	4		
311.	Hale, James,	6 25½		
312.	Hanson, John	24 12½		
435.	Hascall, Charles C.		50 40	Not allowed.

\$567 33½ \$500 16

I.

63.	Ingram, John W.	\$10 00	\$22 00	
161.	Ide, Sheldon	5 00	8 00	
329.	Ingersoll, Riley	9 75		
		<hr/>	<hr/>	
		\$24 75	\$30 00	

J.

23.	Jordan, A. H.		\$1 43	Not allowed.
28.	Jordan, Amos	\$16 50	24 50	
29.	Jordan, Samuel		1 87½	Not allowed.
53.	Jacobs, Joseph	3 25		
268.	Johnson, Franklin (assignee)	7		
328.	Johnson, Franklin	11 37½		
330.	Johnson, Oliver	3 25		
		<hr/>	<hr/>	
		\$41 37½	\$27 80½	

K.

5.	Keyes, John F.	\$22 50		
18.	Keeney, G. W. & Co.	38 01		
22.	Kirk, John	4	\$10 00	
85.	Kennett, Charles	15		
101.	Ketcham, George W.	4 87½		
106.	Kenedy, F. A.	4 87½		
		<hr/>	<hr/>	

Carried forward,

\$ \$

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$.	\$	
108.	Kenedy, F. A.	3 25		
138.	Ketchum, Jacob	5		
171.	Kenedy, Frederick	16	24	
185.	Ketchum, Jacob	16	24	
331.	Knaggs, Thomas	13		
332.	Kib, Leander	3 25		
333.	Kidder, M.	13 12		
334.	Kendell, H. G.	4 87½		
335.	Keith, Alpheus	3 25		
336.	Knaggs, James	9 18½		
337.	Knaggs, James	7 75		
338.	Knaggs, George	4 22		
339.	Keeney, Solomon	17 87½		
340.	King, William P.	6 50		
		<hr/>	<hr/>	
		\$212 53½	\$58 00	
L.				
42.	Lapoint, John	\$3 25		
46.	Lapoint, John	3 25		
49.	Lamorse, Anthony	3 25		
55.	Lapoint, John			Not allowed.
60.	Lyon, Edward	5		
104.	Low, Justus	3 25	\$6 00	
105.	Latourette, Orange	4 87½		
139.	Labaron, S. C.		46 18½	Not allowed.
156.	Lacy, John	8		
157.	Lyon, Robert T.	11 34		
158.	Lumis, Anson C.	10		
162.	Leaks, Horace	24 50		
217.	Lowe, Justus	25	28 13	
224.	Lane, Jacob	2 12		
341.	Loranger, Mr.	6		
342.	Labeau, Alexis	3 25		
343.	Leonard, Morris	6 50		
344.	Lafleur, Joseph	6 50		
345.	Lafleur, Antoine	3 25		
346.	Lasselle, Francis	9 75		
347.	Lafleur, Andrew	4 87½		
348.	Labecass, John Bt.	4 87½		
350.	Leonard, Jacob	4 87½		
351.	Lacey, Peter	3 25		
		<hr/>	<hr/>	
Carried forward,		\$	\$	

DOCUMENTS.

125

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
352.	Laduc, Oliver	11 37½		
353.	Lasselle, Antoine	9 75		
354.	Loranger, Nacies	3 25		
401.	Laha, Francis	3 25		
402.	Laduc, Solon	5		
		<hr/>	<hr/>	
		\$189 58	\$80 31½	
	M.			
41.	Martin, Bazill	\$3 25		
62.	Menor, John M.	3 25		
83.	Madison, L. K.	18		
84.	Meslin, William	25		
87.	McKay & Co.		\$87 20	Not allowed.
102.	Mancil, Horace	15	19 50	
103.	Mills, George M.	4 87½	9	
147.	McHolister & Moore,	9 38		
159.	McCauley, William	25		
179.	Murdock, Tilson	16	24	
183.	Moore, William	16	24	
209.	Marshall, C. S.	10		
222.	Merrill, Whittier & Co.	18 50		
231.	Moross, Joseph	12		
355.	McCloskey, James	13		
356.	McBride, James	16 25		
357.	Marshall, Augustus	15		Hale, assignee.
358.	Miller, James	4 87½		
359.	McDole, Thomas	3 25		
380.	Meigs, Charles	3 25		
381.	Marvin, C. B.	13		
382.	Merrill & Whittier,	219		
383.	Miller, James H.	16 25	30	
384.	Meroney, M.	6 50		
385.	McCloskey, James	4 87½		
386.	Mulhollan, Daniel	9 75		
387.	McBride, James	3 25		
368.	Mansion House,	136 02	143 25	
369.	Mansion House,	53		
370.	Mansion House,	153 88		
371.	McQuillin, Lyman	3 25		
372.	Mann, H. V.	24 62	52 85	
436.	Mulholland, John	13		
437.	Mulholland & Rowe,	283 02		
		<hr/>	<hr/>	
		\$1,171 89½	\$389 80	

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
N.				
373.	Navarre, Francis	\$3 25		
374.	Nicholds, William	6 50		
375.	Navarre, Samuel	9 75		
376.	Navarre, David	13		
377.	Neddau, Antoine	14 75		
		<hr/>	<hr/>	
		\$47 25	\$	
P.				
7.	Parks, Calvin C.	\$	\$27	Not allowed.
9.	Parshall, John	50		
10.	Parshall, John (assignee.)	8		
33.	Patterson, John	135 37		
40.	Petee, Nicholas	3 25		
79.	Prey, E.	3		
81.	Pettis, P. & others, pr. ac't	126 17		
141.	Parker, S. S.		14 42	Not allowed.
170.	Patterson, E.	16	24	
212.	Platt, Miller & Co.	33 50		
230.	Parker, Samuel S.	36 82		
378.	Platt & Miller,	91 48		
379.	Parker, S. S.	3 25		
380.	Peltier, E. A.	3 25		
381.	Palmer, A. B.	12		
382.	Platt & Miller,	6 20		
383.	Pouchett, Lambert	3 25		
384.	Perrung, Joseph	6 50		
385.	Parsons, Alanson	3 25		
386.	Parker, S. S.	3 75		
387.	Post, Mr.	4 24		
		<hr/>	<hr/>	
		\$549 28	\$65 42	
R.				
15.	Richard, Samuel G.	\$8	\$	
20.	Rose, Denison R.	5		
21.	Rose, Dennison R.	2 50		
36.	Rowe, Lebius	3 25		
39.	Russell, David	4 87½		
43.	Rowe, John B.	3 25		
		<hr/>	<hr/>	
	Carried forward,	\$	\$	

DOCUMENTS.

127

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
47.	Rubedoux, James	3 25		
52.	Rubedoux, Joseph	3 25		
59.	Russel, Abija	4 87½		
70.	Ryan,	22 50		
160.	Root, Erastus	3		
192.	Robertson, A.	12	18	
388.	Reynolds, Joseph	6 50		
389.	Ruland, William	6 50		
390.	Revard, Antoine	3 25		
391.	Rich, George H.	23 44		
392.	Reed, George	15		
393.	Robert, H. N.	3 25		
394.	Rosevelt, Nelson		15	Not allowed.
395.	Russel, Isaac	3 25		
396.	Russel, John	3 25		
397.	Regal, Isaac	8 12½		
398.	Russel, James J.	4 87½		
399.	Russel, David	17 50		
400.	Roberts & Armatage,	4 53		
433.	Rice, Paul	3 31	41 81	Not allowed.
		<hr/>	<hr/>	
		\$178 53	\$74 81	

S.

8.	Steamboat Jackson,	\$608 75		
25.	Southworth, Joseph	4 87½		
71.	Smith, E. F.	15 84	\$40 75	
86.	Smith, Ira	147 38	172 88	
95.	Shock, Jacob	4 87½	10	
96.	Sisson, Thomas	4 87½	9	
97.	Spafford, Luke	6 50	12	
98.	Swartout, Nathaniel	3 25		
99.	Spafford, S. F.	4 87½	9	
100.	Smith, Davis	4 87½	12	
140.	Spafford, S. F.		4 50	Not allowed.
166.	Spafford, Luke	16	24	
176.	Spafford, S. F.	16	24	
180.	Spafford, Abner	16	24	
186.	Snill, Mr.	16	24	
190.	Spafford, Mackinzie	16	24	
199.	Sittlefield, J.	3		

Carried forward,

\$ \$

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
203.	Sacket, Leander	52		
204.	Spafford, S. L.	4 50		
206.	Sutten, J. P. D.	6		
210.	Smith, Isaac	47		
221.	Sisson, Thomas	121	124 13	
226.	Spafford, George	96 81		
228.	Stoddard & Barnard,	10		
229.	Stoddard & Buyant,	11 80		
349.	Shooah, Leo	3 25		
403.	Smith, Martin	3 25		
404.	Stoddard, Reuben	12 50		
405.	Slauter, William	3 25		
406.	Spafford, S. A.		35	Not allowed.
407.	Sacket, Leander	25		
408.	Stoddard, Sizer L.	6 50		
409.	Spalding, Lyman M.	4 87½		
410.	Smith, Ira	47 50		
411.	Straight, Henry	3 25		
412.	Stewart, William	2		
413.	Stewart, Smith	34 75		
414.	Stoddard & Barnard,	14 50		
415.	Smith, James	3 25		
416.	Stuart, Chester	6 37½		
417.	Smith, W. H.	3 25		
418.	Smith, Ira	135	225	
419.	Senture, Domineke	4		
420.	Sutphen, Stephen D.		6	Not allowed.
421.	Spalding, D. C.	15		
422.	Smith, Ira	24		
423.	S. B. Gen. Brady,	568 50		
		<hr/>	<hr/>	
		\$2,158 70½	\$745 26	

T.

4.	Thomas, Henry	\$22 50		
6.	Thompson, William	4	\$31	
80.	Tull, John	14 62½	42 50	
94.	Toms, James	4 87½		
154.	Thompson, Robert B.	65	Hiram Weeks, assignee	
155.	Thompson, Robert B.	60	do.	
189.	Tailor, A.	16	24	
424.	Terry, James H.	6 50		
		<hr/>	<hr/>	
Carried forward,		\$	\$	

DOCUMENTS.

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No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
425.	Tracy, Thomas	3 25		
426.	Teale, E.	3 25		
427.	Tessie, Francis	3 25		
428.	Thurber, Jeff. G.	9 75	20	
429.	Tailor, Amos F.	27 71		
		<hr/>	<hr/>	
		\$240 71	\$117 50	

V.

26.	Voorhies, Andrew D.	\$6	\$33	
92.	Van Vleet, P. P.	4 87½		
93.	Vatine, David	4 87½	13	
430.	Vermett, John	3 25		
431.	Velette, Charles	6 50		
		<hr/>	<hr/>	
		\$25 50	\$46	

W.

1.	Wixon, Isaac	\$110		
12.	White, Alpheus	23 12½		
13.	Wingert, William	81 25		Mr. Paulding assignee.
19.	White, Alpheus		\$30 50	Not allowed.
27.	Wright, John	60		
38.	Wadsworth, John W.	4 87½		
65.	White & Co.	6 76		
72.	Wheeler, James	1 50		
91.	Wright, Moses	4 87½	6	
163.	Wing, William	27 13		Church assignee.
164.	Woodruff, James B.	'	12	Not allowed.
165.	Welch, James	4		
168.	Whitehurd, Stephen	16	24	
178.	Wood, Eliphalet	16	24	
299.	Wood, Joseph	147 62½		
305.	Wells, Morris	4 87½		
313.	Willson, Thomas	23 25		
314.	Willson, Henry	3 25		
315.	Wells, Russell	4 87½		
316.	Withington, James H.	9 75		
317.	Withington, Charles	3 25		
318.	Wait, James	5		
319.	Wilkinson, A. D.	6 75		
		<hr/>	<hr/>	

Carried forward,

R

No. of claim.	Name.	Allowed.	Amount claimed.	Remarks.
	Brought forward,	\$	\$	
320.	White & Co.	13 32		
321.	Wadsworth, Wm.	3 25		
322.	Williams, John J.	3 25		
323.	Wadsworth, Wadsworth	10		
324.	Walker, William	5		
325.	Willson, Burriss	22 75		
326.	Wing, Warner	14 62½	36	
327.	Wadsworth, N. W.	10 25		
432.	Wright, John		38 66	Not allowed.
434.	White, A. H.	14 50	22 50	

\$661 08½ \$193 66

Y.

32.	Yoopell, Anthony	\$3 25
136.	Yund, Jacob	4 87½
		<hr/>
		\$8 12½

Recapitulation.

Am't allowed.	Am't claimed.*	Am't of claims rejected.	Remarks.
A, \$308 05½			
B, 936 60		\$174 70	
C, 863 35		81	
D, 903 62½		77 90	
E, 41 36			
F, 124 73½			
G, 242 43½		68	
H, 587 33½		103 54	
I, 24 75			
J, 41 37½		3 30½	
K, 212 53½			
L, 189 58		46 18½	
M, 1,171 89½		87 20	
N, 47 25			
O,			
P, 549 28		41 42	
R, 178 53		15	
S, 2,158 70½		10 50	
T, 240 71			
V, 25 50			
W, 661 08½		81 16	
		<hr/>	
\$9,488 66½		\$789 91½	

* For the several amounts claimed, refer to the claimants in their proper order.

DOCUMENTS.

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	Amount allowed.	Amount claimed.	Remarks.
Am't bro't forward,	\$9,488 66½	\$789 91½	
438. Jon. E. Field,	48	67	
439. Alfred Ashley,	5		
440. James C. Edgley,	5		
441. Elliot Gray,	58 75		
442. Wolcot Lawrence,	18		
443. Edmonds & Godard,		2 37	Not allowed.
444. Joel Bradner,	4		
445. David Page,	536 99		
446. Bliss, Hall & Co.	18 02		
447. William Willman,	12		
448. Andrew Nowland,	30	60	Assigned.
449. Abraham Hatch,	45	83	
	<hr/>	<hr/>	
	\$10,269 42½	\$1,002 28½	
Y, (omitted)	8 12½		
	<hr/>		
	\$10,277 55½		

Considerable difficulties have presented themselves to the commissioners in making just and proper allowances to the officers attached to the militia, on the expedition to Toledo, for emoluments, by reason of the very irregular manner pursued in supplying them and the men under their command, with rations and forage; in some instances rations were furnished; at other times the officers advanced money for subsistence, and frequently they were furnished by tavern keepers; all of which claims, the commissioners have allowed, where vouchers accompanied the claim, or the demands proved. From these circumstances, they have deemed it necessary to reject all claims for emoluments; but in order that the true spirit and meaning of the act granting emoluments should not be subverted, they have been induced to make the annexed statement, exhibiting the value of one month's rations and forage to the officers and men, agreeably to the emoluments of the United States army, and deducting therefrom the amount of claims allowed for provisions and tavern bills, &c. &c. will leave a balance due the officers, of \$1,607 37, to be divided among them according to their respective rank, and to the men, \$2,776 58½, to be divided among them. By this course, no injustice will be done to the officers and men, and the government secured from any imposition.

All of which is respectfully submitted.

CHARLES THAYER, }
ROBERT ABBOTT, } *Commissioners.*

Detroit, 30th January, 1837.

Statement referred to in the Report of the Commissioners exhibiting the value of one month's rations and forage, to the officers and men called into service, on the expedition to Toledo, in the year 1835.

	Rations per day.	Wh'amt of rations.	Value of rat's.	Am't of forage.	
Joseph H. Brown, major general,	15	450	20	20	\$110
Alpheus Felch, aid-de-camp,	4	120	20	10	34
Charles W. Whipple, division inspector,	4	120	20	10	34
Daniel S. Bacon, division quartermaster,	4	120	20	10	34
Isaac I. Ullman, brigade do.	4	120	20	10	34
Darius Smith, colonel 8th regiment,	6	180	20	10	46
Samuel B. Evans, lieutenant colonel,	5	150	20	10	40
Dorastus Terry, major,	4	120	20	10	24
Joseph E. Hall, adjutant,	3	90	20	8	26
Sidney F. Blanchard, quartermaster,	3	90	20	8	26
M. A. Patterson, surgeon,	3	90	20		18
Alonzo Cressey, do. mate,	2	60	20		12
Joseph V. Chandler, 2d lieutenant,	3	90	20		18
Reuben S. Hall, captain 1st company,	3	90	20		18
Eli Chatfield, lieutenant,	3	90	20		18
John Densmore, captain 2d company,	3	90	20		18
Peleg Pettis, do. 3d do.	3	90	20		18
Guy Carpenter, lieutenant,	3	90	20		18
Benjamin Tibbetts, ensign,	3	90	20		18
Horatio N. Baldwin, captain 4th company,	3	90	20		18
Simeon Spencer, ensign,	3	90	20		18
Ebenezer Davis, captain 5th company,	3	90	20		18
Asa G. Edwards, 1st lieutenant,	3	90	20		18
John J. Adam, 2d do.	3	90	20		18
Augustus Montgomery, capt. 6th company,	3	90	20		18
Allan J. Swich, 2d lieutenant,	3	90	20		18
Jedediah Raynold, captain 8th company,	3	90	20		18
Daniel McRoberts, 2d lieutenant,	3	90	20		18
Milton Flag, captain rifle company,	3	90	20		18
214 privates, &c. &c.,	1	6420	20		1284
					<hr/> \$2028
Frederick A. Sprague, major,	4	120	20		24
Jno. L. Brownell, quartermaster,	3	90	20		18
Benjamin Philips, paymaster,	3	90	20		18
A. D. Voorhies, surgeon	3	90	20		18
Israel R. Richardson, surgeon's mate,	2	60	20		12
Orange Foot, captain cavalry,	3	90	20		18
Marvin J. James, 1st lieutenant,	3	90	20		18
Alonzo Goodrich, 2nd lieutenant,	3	90	20		18
Chester Goodrich, cornet,	2	60	20		12
George Brownell, captain No. 1, M.,	3	90	20		18
Walker Drake, 1st lieutenant,	3	90	20		18
William Lee, 2d lieutenant,	3	90	20		18
Lewis Cone, captain No. 2,	3	90	20		18
Edward W. Peck, 1st lieutenant,	3	90	20		18
Henry Sprague, 2nd lieutenant,	3	90	20		18
John W. Ingraham, captain No. 3,	3	90	20		18

Carried forward,

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	Rations per day.	Wh't. of rations.	Value of rat's.	Am't of forage.		
Brought forward,						\$
Nelson Rosevelt, 1st lieutenant,	3	90	20			18
Calvin Chapill, 2nd lieutenant,	3	90	20			18
Haron Haskins, captain No. 4,	3	90	20			18
Phineas M. Jenny, 1st lieutenant,	3	90	20			18
Hiram Cohart, 2nd lieutenant,	3	90	20			18
150 sergeants, musicians and privates,	1	4770	20			954
						1826
Warren Wing, lieutenant colonel,	5	150	20	8		38
Apollos Derwin, major,	4	120	20			24
Lewis Bailey, adjutant,	3	90	20	8		26
Almon H. White, quartermaster,	3	90	26	8		24
William M. Smith, surgeon,	3	90	20			18
George M. Danah, captain B. 2nd reg't,	3	90	20			18
Levi Lewis, lieutenant,	3	90	20			18
Joseph H. Willington, ensign,	3	90	20			18
John Bradford, captain K. 2nd,	3	90	20			18
David Hall, 1st lieutenant	3	90	20			18
John B. Daily, 2nd lieutenant,	3	90	20			18
Noyes W. Wadsworth, captain I.	3	90	20			18
Joseph Morass, 2nd regiment M. M. capt.	3	90	20			18
Francis Cousino, lieutenant,	3	90	20			18
Peter Morran, ensign,	3	90	20			18
Gabriel Bissonet, captain company I.	3	90	20			18
Herman M. Spaulding, capt. company G.	3	90	20			18
George C. Roof, 1st lieutenant,	3	90	20			18
Nelson White, 2nd lieutenant,	3	90	20			18
112 sergeants, musicians and privates,	1	3860	20			672
						1056
J. D. Davis, colonel 1st reg. R. 2nd brig.	6	180	20	10		46
John Bedon, jr., major,	4	120	20			24
H. A. Noyes, adjutant,	3	90	20	8		26
William McCauly, quartermaster,	3	90	20	8		26
Peter Fralic, paymaster,	3	90	20			18
F. L. Markum, surgeon,	3	90	20			18
Albert Stevens, captain,	3	90	20			18
Richard Boulton,	3	90	20			18
Charles M'Cormick,	3	90	20			18
Eli Derby, captain,	3	90	20			18
Emery Richardson, captain,	3	90	20			18
A. D. Crane, do.	3	90	20			18
James McMurray, do.	3	90	20			18
Harden Leeks, do.	3	90	20			18
Ezra Bradwin, 1st lieutenant,	3	90	20			18
Samuel Gates, 1st do.	3	90	20			18
Isaac Hiscock, 1st do.	3	90	20			18
Silas Dickinson, 1st do.	3	90	20			18
I. S. Lacy, 1st do.	3	90	20			18
Jacob J. Foot, 1st do.	3	90	20			18
Jared B. Corniche, 1st do.	3	90	20			18
Cyrus Burnett, 1st do.	3	90	20			18
Enos Bradner, 2d do.	3	90	20			18
William A. Ballard, 2d do.	3	90	20			18

Carried forward,

\$ \$

			Rations per day.	Wh't. of rations.	Value of rat's forage.	Am't of \$	
Brought forward,							
Samuel B. Hill,	2d lieutenant,	3	90	20		18	
Edwin Bond,	2d do.	3	90	20		18	
Henry B. H. Secord,	2d do.	3	90	20		18	
Harvey Barton,	2d do.	3	90	20		18	
William Brewer,	2d do.	3	90	20		18	
Norman C. Wells,	2d do.	3	90	20		18	
153 sergeants, musicians and privates,		1	4590	20		918	
							1,508
John Write, 1st lieutenant, D. L. D.		3	90	20		18	
Simeon B. Brown, 2d lieutenant,		3	90	20		18	
James Hanmer, 3d do.		3	90	20		18	
17 privates, &c.		1	510	20		102	
							156
Ason Shelby, captain volunteers,		3	90	20		18	
James L. John, lieutenant,		3	90	20		18	
Gurdon C. Leech, ensign,		3	90	20		18	
30 privates, &c.		1	900	20		180	
							234
James Bucklin, major 1st regiment,		4	120	20		24	
James Dunn, adjutant,		3	90	20	8	26	
N. P. Thayer, captain,		3	90	20		18	
Paul Rice, 1st lieutenant,		3	90	20		18	
John F. Rupley, captain 2d company,		3	90	20		18	
John Thomas, 1st lieutenant,		3	90	20		18	
Jasper Thomas, 2d do.		3	90	20		18	
Jonas Goodle, captain 3d company,		3	90	20		18	
Thomas Geldred, captain rifle company,		3	90	20		18	
Sheldon Backworth, lieutenant,		3	90	20		18	
Joseph Y. Davis, ensign,		3	90	20		18	
Martin Greenman, captain rifle company,		3	90	20		18	
Lewis Fuller, 1st lieutenant,		3	90	20		18	
Asahel L. Bird, captain 6th company,		3	90	20		18	
C. M. Bull, captain Detroit city guards,		3	90	20		18	
George C. Bates, 1st lieutenant,		3	90	20		18	
J. M. Howard, 2d do.		3	90	20		18	
George R. Griswold, captain,		3	90	20		18	
S. L. Rood, 1st lieutenant,		3	90	20		18	
Thomas Dare, 2d do.		3	90	20		18	
118 sergeants, musicians and privates,		1	3540	20		708	
							1,062
A. White, captain artillery,		3	90	20		18	
Erastus Day, captain,		3	90	20		18	
Wm. H. Webster, lieutenant,		3	90	20		18	
J. O. Ferries, captain,		3	90	20		18	
Elias O. McCall, lieutenant,		3	90	20		18	
C. C. Douglas, ensign,		3	90	20		18	
A. W. Wadsworth, captain,		3	90	20		18	
17 privates,		1	510	20		102	
							228
Joseph Wood, captain light horse,		3	90	20		18	
James McBride, 1st lieutenant,		3	90	20		18	
Burton Hotchkiss, 2d do.		3	90	20		18	
Carried forward,							

	Rations Wh'l. am't Value Am't of per day. of rations. of rat's. forage.				\$	\$
Brought forward,						
Steven Ciego, cornet,	2	60	20		12	
37 privates, &c.	1	1110	20		222	
						288
Martin Davis, colonel,	6	180	20		36	
E. C. Eaton, brigade major,	4	120	20		24	
J. E. Field, quartermaster,	4	120	20		24	
John Montgomery, major,	4	120	20		24	
Joseph Lapham, A.	3	90	20		18	
Abel Packhurst,	3	90	20		18	
Charles C. Joffers, surgeon,	3	90	20		18	
Horace Welch, quartermaster,	4	120	20		24	
Peter Kingsland, captain,	3	90	20		18	
Jesse Paxton, do. artillery,	3	90	20		18	
Morell Goodrich, 1st lieutenant,	3	90	20		18	
William Cobby, 2d do.	3	90	20		18	
Ezra Higby, 3d do.	3	90	20		18	
Richard Gerton, surgeon's mate,	2	60	20		12	
31 sergeants, musicians and privates,	1	930	20		186	
						474
D. Goodwin, quartermaster general,					32	40
						\$8,412 40
Balance due the officers, being their dividend of \$4,383 95½ per emoluments,					\$1,607 37	
Amount due the men for emoluments,					\$2,776 58½	
						\$4,383 95½
Amount of provisions and forage, and also tavern bills and rations furnished by sundry individuals, allowed by the com- missioners,					\$4,028 44½	
Officers' dividend of balance,					1,607 37	
Sergeants, musicians and privates' dividend of balance,					2,776 58½	
						\$8,412 40

The commissioners appointed under the act approved the 28th March, 1836, to provide for the payment of the militia for their services in supporting the supremacy of the laws of Michigan, and for other purposes, after being duly sworn, and after having published the time and place of meeting, as provided in said act, proceeded to examine each individual claim presented for allowance; and having carefully investigated the same, do publish this as our report and decision, viz: To the claimants as per the preceding statement, for supplies \$10,269 45½, and to the officers and men for emoluments \$4,383 95½, making in the whole \$14,652 40½.

All of which is respectfully submitted.

CHARLES THAYER, }
ROBERT ABBOTT, } Com'rs.

Detroit, 28th Jan'y, 1837.

(No. 18.)

STATE TREASURER'S OFFICE, }
Detroit, February 9, 1837. }

SIR—In obedience to a resolution of the Senate passed on the 7th instant, I herewith present a statement of moneys paid from the Treasury under the act of March 28, 1836, for maintaining the supremacy of the laws of Michigan.

The statement exhibits the amount paid to each individual and the amount still due upon the scrip already issued and on file in this office. The balance remaining unpaid upon this scrip will be paid on demand to each individual, funds being in my hands for that purpose.

I am, sir, very respectfully,

Your obedient servant,

H. HOWARD, *Treasurer.*

Hon. EDWARD MUNDY, *President of the Senate.*

Oakland Detachment.

Name.	Rank.	Paid.	Unpaid.
Frederick A. Sprague,	Major,	\$50 00	
John L. Brownell,	Quartermaster,	30 00	
Benjamin Phelps,	Paymaster,	30 00	
A. D. Voorhes,	Surgeon,	45 00	
Israel B. Richardson,	do.	45 00	
Corn's Roosevelt,	Sergeant major,	9 00	
Wm. Merithan,	Drum do.	8 33	
Orange Foot,	Captain cavalry,	52 00	
Mason I. James,	1st Lieut. do.	42 00	
Alanson Goodrich,	2d do. do.	37 00	
William Wallace,	2d Serg't do.	20 00	
Chester Goodrich,	Cornet, do.	32 00	
Zenas Fox,	3d Serg't do.	20 00	
Elias Brown,	Drummer,	7 33	
Jackson C. Yound,	do.	"	
Edward Ingersoll,	do.	"	
David Goodrich,	do.	"	
Samuel W. Bachelor,	do.	"	
Henry J. Pearsall,	do.	"	
Dennis Marvin,	Fifer,	"	
Wm. P. Sprague,	do.	"	
Wm. S. Adams,	do.		7 33
J. C. Spencer,	Private, cavalry,	18 66	
Alex. Rosin,	do. do.	"	
Allen N. Parks,	do. do.	"	
James Skidmore,	do. do.	"	

Carried forward,

\$

\$

DOCUMENTS.

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Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
George Brownell,	Captain infantry,	40 00	
Walter Drake,	1st Lieutenant,	30 00	
Wm. Lee,	2d do.	25 00	
Calvin A. Green,	1st Sergeant,	8 00	
James M. Warner,	2d do.	"	
Benjamin F. Bailey,	3d do.	"	
Horatio Lee,	4th do.	"	
Harrison Philbrick,	Private,	6 68	
Griffith Lewis,	do.	"	
Orrin G. Garfield,	do.	"	
Darwin Young,	do.	"	
Wm. Coates,	do.	"	
John Runyan, jr.	do.	"	
Benj'n Knight,	do.	"	
John Blanchard,	do.		6 68
Chauncey Green,	do.	"	
George Waldron,	do.	"	
Simon Smith,	do.	"	
William Green,	do.		"
Andrew C. Walker,	do.	"	
Elijah Bullock,	do.	"	
Simeon Law,	do.		"
Benj'n Simmons,	do.	"	
Martin Maiden,	do.	"	
Wm. W. Entricon,	do.	"	
Wm. C. Chamberlin,	do.	"	
Willard Tucker,	do.	"	
Wm. Retan,	do.	"	
Jesse A. Matthewson,	do.		"
David Cane,	do.	"	
Ezra Throop,	do.	"	
Aurora Barnes,	do.		"
James Smith,	do.	"	
D. Van Waggoner,	do.	"	
Albert N. Sloat,	do.	"	
James S. Pratt,	do.	"	
Stephen Chapman,	do.	"	
Julius Adams,	do.	"	
Leonard Adams,	do.	"	
Lewis Cone,	Captain,	40 00	
Edward W. Peck,	1st Lieutenant,	30 00	
Henry Sprague,	2d do.	25 00	
Carried forward,		\$	\$
S			

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Nathan L. Stout,	1st Sergeant,	8 00	
Hanford W. Fisk,	2nd do.	"	
Zelotus Chapin,	3d do.	"	
John Swan,	4th do.	"	
H. H. Howland,	1st Corporal,	7 33	
Philo Curtiss,	2nd do.	"	
Willard R. Goodrich,	3d do.	"	
George Smith,	4th do.	"	
James Crawford,	Private,	6 66	
Scott Voorhis,	do.	"	
Charles Stanley,	do.	"	
Abner Leverman,	do.	"	
John S. Stephens,	do.	"	
William T. Smaith,	do.	"	
Luther Ransford,	do.	"	
James P. Rhoades,	do.	"	
George W. Sutton,	do.		6 66
Adna Sull,	do.	"	
Rufus K. Haff,	do.	"	
Joshua L. Sadler,	do.	"	
Isaac Smith,	do.	"	
Alonzo Davis,	do.	"	
Andrew Bennett,	do.	"	
Willis C. Jones,	do.	"	
Silas Harris,	do.	"	
Elijah Pinckney,	do.	"	
Ruben Celladden,	do.	"	
Charles V. Patrick,	do.	"	
Joseph C. Prentiss,	do.	"	
Henry A. Lambert,	do.	"	
Chester Morgan,	do.	"	
Martin Phelps,	do.	"	
David W. Richard,	do.		6 66
Joseph Jones,	do.	"	
John W. Ingram,	Captain,	40 00	
Nelson Roosevelt,	1st Lieutenant,	30 00	
Calvin Chapill,	2nd do.	25 00	
Zena Goulding,	1st Sergeant,	8 00	
Henry Allen,	2nd do.	"	
Jas. Richardson,	3d do.	"	
Joseph S. Farnum,	4th do.	"	
Nathaniel Batter,	1st Corporal,	7 33	
Samuel D. Stoughton,	2nd do.	"	

Carried forward,

\$

\$

DOCUMENTS.

139

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
James Cockhart,	3d Corporal,	7 33	
James Shirts,	4th do.	"	
Andrew Simpson,	Private,	6 66	
Morris Powelson,	do.	"	
Rich. Richards,	do.	"	
Robert M. Cummings,	do.	"	
Chauncey Parker,	do.	"	
Neland Stickney,	do.	"	
George Crawford,	do.	"	
Levi Soden,	do.	"	
Asa Andrews,	do.		6 66
Linus Parker,	do.	"	
John Morriss,	do.	"	
Wm. Greer,	do.	"	
Wm. Reynolds,	do.	"	
David Carlisle,	do.	"	
Robert Golding,	do.	"	
Daniel Case,	do.	"	
B. Welch,	do.	"	
James M'Roberts,	do.	"	
Philander H. Jones,	do.	"	
Isaac Tuttle,	do.		"
Orrin Burgess,	do.	"	
Hiram Herrington,	do.	"	
Haron Haskins,	Captain,	40 00	
Phineas W. Jenny,	1st Lieutenant,	30 00	
Hiram Crowfoot,	2nd do.	25 00	
Asahel Bennett,	1st Sergeant,	8 00	
Samuel Sherman,	2nd do.	"	
Isaac W. Green,	3rd do.		8 00
Nelson Burgess,	4th do.	"	
John Matthews,	Private,	6 66	
Wm. Roberts,	do.	"	
Elkanah Ashley,	do.	"	
Amri W. Crowfoot,	do.		6 66
Samuel Allisson,	do.	"	
Cyrus Hadsill,	do.	"	
James N. Willcox,	do.		"
Joseph Webber,	do.	"	
Ransom Reed,	do.	"	
Wm. M'Michael,	do.	"	
James Hewson,	do.		"
Isaac Legors,	do.		"
Henry M. Horness,	do.	"	
Carried forward,			

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Amos Willson,	Private,	6 66	
Harvey G. Wheeler,	do.	"	
George Willfair,	do.	"	
Samuel Hannard,	do.		"
Frederick Snow,	do.	"	
Elom Chapin,	do.	"	
Asa L. Kelley,	do.	"	
Wm. Gambell,	do.	"	
Elijah Kirkham,	do.	"	
John Taylor,	do.	"	
Jacob Clyne,	do.	"	
Noah Youngs,	do.	"	
Jona. B. Sherman,	do.	"	
Solomon Turner,	do.	"	
Willard Porter,	do.	"	
Artisson Perry,	do.	"	
John Sturgess,	do.	"	
Orrisson Williams,	do.		"
Samuel Hascall,	do.	"	
Henry C. Chambers,	do.	"	
Wm. Hascall,	do.	"	
Thomas Gibson,	do.	"	
John F. Keyes,	Baggage teamster,	"	
Jacob Carman,	do. do.	"	
Willard Thomas,	do. do.	"	
Ebenezer F. Smith,	do. do.	"	
Simon Brockford,	do. do.	"	
		<hr/>	<hr/>
		\$1,825 54	\$115 23

Major James Bucklin's Regiment.

James Bucklin,	Major,	50 00
James Dunn,	Adjutant,	40 00
Nahum P. Thayer,	Captain,	40 00
Paul Rice,	1st. Lieutenant,	30 00
Uriah Utley,	Sergeant,	8 00
Daniel Aikin,	do.	"
Peter Melley,	Private,	6 66
John Strong,	do.	"
Ruppis Bellows,	do.	"
David Odell,	do.	"
Patrick Donehan,	do.	"

Carried forward,

\$

\$

DOCUMENTS.

141

Name.	Rank.	Paid.	Unpaid
Brought forward,		\$	\$
Nathan Cook,	Private,	6 66	
Alex'r Bigget,	do.	"	
John Buck,	do.	"	
Justin Dutton,	do.	"	
Gamet Button,	do.		6 66
John F. Rupley,	Captain,	40 00	
John Thomas,	1st Lieutenant,	30 00	
Jasper Thomas,	2d do.	25 00	
John B. Clarke,	1st Sergeant,	8 00	
John A. Croff,	2d do.	"	
Jasper G. Jackson,	3d do.	"	
D. B. Willcox,	Drum Major,	8 33	
James W. Morris,	Fifer,	7 33	
Silas Clarke,	do.	"	
Orrin Swift,	Drummer,	"	
Horatio Allen,	Private,	6 66	
Luther Wait,	do.	"	
Levi Hawkins,	do.	"	
Daniel Minnock,	do.	"	
Silas H. Place,	do.	"	
Chas. W. Clark,	do.	"	
Jona. Stone,	do.		"
Thos. D. Winchester,	4th Sergeant,	8 00	
Ira Fowler,	Private,	6 66	
Daniel Baldwin,	do.	"	
Miles Van Sackle,	do.	"	
Joseph Williams,	do.	"	
Albut Hilvine,	do.		"
James Purce,	do.	"	"
John Long,	do.	"	
Peleg Barker,	do.	"	
Norman Blanchard,	do.	"	
E. S. Bowen,	do.	"	
G. W. Powers,	do.	"	
George Barker,	do.	"	
James Dawson,	do.	"	
Sheldon C. Root,	do.	"	
Tunis Quick,	do.	"	
Alfred Bradford,	do.		"
Archange Hinckley,	do.	"	
Henry Prentice,	do.	"	
Henry Myers,	do.	"	
A. G. Abell,	do.	"	
Carried forward,		\$	\$

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Thomas Nixon,	Private,	6 66	
Benj. Mattison,	do.	"	
Jonas Godell,	Captain,	40 00	
Samuel Wells.	Sergeant,	8 00	
Willard N. Stewart,	Fifer,	7 33	
Alex'r Willitt,	Private,	6 66	
Jno. B. Tebo,	do.	"	
Richard Tebo,	do.	"	
Alex. Yopell,	do.	"	
William Hill,	do.		6 66
Antoine Juberville,	do.	"	
Thomas Gildard,	Captain,	40 00	
Sheldon Beckwith,	Lieutenant,	30 00	
Joseph Y. Davis,	Ensign,	20 00	
Edward Wright,	1st Sergeant,	8 00	
William Miller,	Drummer,	7 33	
William Hase,	Fifer,		7 33
Peter Sullivan,	Private,	6 66	
Henry Y. Bell,	do.	"	
Joshua Smith,	do.	"	
Harrison M. Bell,	do.	"	
Joseph Atwood,	do.	"	
Wm. Decker,	do.		6 66
John Garrett,	do.		"
George W. Martin,	do.	"	
Benjamin Bell,	do.	"	
Calvin Bailey,	do.	"	
Martin Greenman,	Captain,	40 00	
Lewis Fuller,	1st Lieutenant,	30 00	
Chandley Greenman,	Drummer,	7 33	
Comfort Haskins,	do.	"	
E. C. Bebee,	1st Sergeant,	8 00	
S. Fuller,	2d do.	"	
Marcus Pulty,	3d do.	"	
Benjamin Lapham,	4th do.	"	
S. E. Fuller,	Private,	6 66	
George Rudiman,	do.	"	
John Stevenson,	do.	"	
Barzilla Fuller,	do.	"	
H. Haggerty,	do.	"	
M. A. Little,	do.	"	
Asabel L. Bird,	Captain,	40 00	
Samuel McKnight,	Sergeant,	8 00	
Carried forward,		\$	\$

DOCUMENTS.

143

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Hiram Corbey,	Private,	6 66	
Wm. Jacox,	do.	"	
James Hutchinson,	do.		6 66
William Matthewson,	do.	"	
Henry Long,	do.	"	
Wilcox Madison,	do.	"	
Edward Lackman,	do.	"	
James Harwell,	do.	"	
James Campau,	do.	"	
Joseph Loreman,	do.	"	
Charles M. Bull,	Captain,	40 00	
George C. Bates,	1st. Lieutenant,	30 00	
J. M. Howard,	2d do.	25 00	
F. Sawyer,	1st Sergeant,	8 00	
E. B. Whipple,	2d do.	"	
E. P. Abbott,	Private,	6 66	
J. B. Emmons,	do.	"	
J. Alexander,	do.	"	
G. Abbott,	do.	"	
J. Neil,	do.		"
J. Cunningham,	do.		"
O. S. Allen,	do.	"	
George C. Abbott,	Musician,	7 33	
George R. Griswold,	Captain,	40 00	
S. L. Rood,	1st Lieutenant,	30 00	
Thomas Dan,	2d do.	25 00	
Jerome Garland,	Private,	6 66	
J. J. Cicotte,	do.	"	
A. White,	do.	"	
T. E. Tallman,	do.		"
H. McClure,	do.		"
Edward Moran,	do.	"	
E. Frank,	do.	"	
J. Jennings,	do.		"
S. Rossiter,	do.	"	
George Mettez,	do.	"	
P. Mettez,	do.	"	
James Moon,	do.	"	
J. Brown,	do.		"
M. Reno,	do.	"	
H. Abbey,	do.	"	
		<hr/>	<hr/>
		\$1,391 45	\$107 23

The following persons, to wit :

Name.	Rank.	Paid.	Unpaid.
Wm. Thompson,	Surgeon,	\$45 00	
L. Jenny,	Assistant do.		\$20 00
C. C. Hascall,	Colonel,	75 00	
Isaac Rowland,	Governor's staff,	"	
K. Pritchette,	do. do.	"	
John Chester,	do. do.	"	
H. Hermans,	Assistant surgeon,	20 00	
C. C. Parks,	Lieutenant,	40 00	
M. J. Bacon,	Governor's aid,	75 00	
Paid commissioners for auditing claims,		180 00	
		<hr/> \$660 00	<hr/> \$20 00

Colonel J. D. Davis' Rifle Regiment.

J. D. Davis,	Colonel,	\$75 00
John Ruden, jr.,	Major,	50 00
H. A. Noyes,	Adjutant,	40 00
Wm. M'Cauley,	Quartermaster,	30 00
F. L. Markham,	Surgeon,	45 00
M. M. Gillispie,	Sergeant major,	9 00
John Fuller,	Quartermaster serg't.	"
E. B. Goodell,	Drum major,	8 33
Walter Watson,	Fife major,	"
Albert Stevens,	Captain,	40 00
Richard Boughton,	do.	"
Chas. M'Cormick,	do.	"
Eli Derby,	do.	"
E. Richardson,	do.	"
A. D. Crane,	do.	"
James M. Murray,	do.	"
Hiram Leeks,	do.	"
L. B. Newton,	do. baggage guard,	"
Peter Fralic,	Paymaster,	30 00
Ezra Bradner,	1st Lieutenant,	"
Samuel Gates,	do.	"
Isaac Hiscock,	do.	"
Silas Dickinson,	do.	"
J. S. Lacy,	do.	"
Jacob J. Foot,	do.	"
Jared B. Cornish,	do.	"
Cyrus Burnett,	do.	"
Enos Bradner,	2nd lieutenant,	25 00
Wm. A. Ballard,	do.	"

Carried forward,

DOCUMENTS.

145

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Samuel B. Hill,	2d Lieutenant,	25 00	
Edwin Bond,	do.		25 00
H. B. H. Secord,	do.	"	
Harvey Barton,	do.	"	
Wm. Brewer,	do.	"	
Norman Wells,	do.	"	
Ira G. Bradner,	1st Sergeant,	8 00	
Milton Pettibone,	do.	"	
Cha's A. King,	do.	"	
James Willson,	do.	"	
Miles Lowell,	do.	"	
Nelson Smith,	do.	"	
Wm. C. Davidson,	do.	"	
C. M. Booth,	2d do.	"	
George Hubbard,	do.	"	
Cyrel H. Nichols,	do.	"	
Isaac Pratt,	do.	"	
R. W. Raymond,	do.	"	
Leander Sawyer,	do.	"	
George Thompson,	3d do.	"	
Benjamin Rall,	do.	"	
Jacob Landon,	do.	"	
Daniel Reisted,	4th do.	"	
Wm. H. Collins,	do.	"	
Jacob R. Landon,	do.		8 00
Levi B. Butterfield,	do.	"	
John Bradnor,	1st Corporal,	7 33	
Sam'l Starkweather,	do.	"	
Ira Hubbard,	do.	"	
Phillip Ledyard,	3d do.	"	
Sheldon Jude,	do.	"	
Thomas A. House,	do.		7 33
Alfred Whitmore,	do.	"	
John Spears,	do.	"	
Charles Root,	4th do.	"	
Lewis A. Lacy,	Drummer,	"	
Elijah P. Carr,	do.	"	
J. Sutherland,	do.	"	
B. Eddy,	do.	"	
D. Harmon,	do.	"	
R. Brainard,	do.	"	
Peter Lane,	do.	"	
H. Lewis,	do.	"	

Carried forward,
T

\$

\$

Name.	Rank.	Paid.	Unpaid.
	Brought forward,	\$	\$
Philo Lewis,	Drummer,	7 33	
Cyrus H. Corey,	Fifer,	"	
Hiram D. Corey,	do.		7 33
Wm. Perce,	do.	"	
Wm. Reed,	do.	"	
Isaac Reeves,	Private,	6 66	
Roswell Hart,	do.	"	
Wm. Hart,	do.	"	
James W. Root,	do.	"	
Jehial Dunning,	do.	"	
E. H. Johnson,	do.	"	
Wm. H. B. Smith,	do.	"	
Zenas Davis,	do.	"	
Levi Hart,	do.	"	
John Starkweather,	do.	"	
Daniel Barlow,	do.	"	
Ephraim Butterfield,	do.	"	
Alonzo Andrews,	do.	"	
Philetas Blackman,	do.	"	
Alfred Starkweather,	do.	"	
Zebulon Townson,	do.	"	
Samuel De Barr,	do.	"	
Wm. Brewer,	do.		6 66
Ransom Compton,	do.	"	
Booth C. Foster,	do.	"	
Horace Watson,	do.	"	
Deby Wisner,	do.	"	
Samuel Owen,	do.		"
Milton Pettibone,	do.		"
Frederick Andrews,	do.	"	
Wm. Spears,	do.		"
Wm. Heacock,	do.		"
J. T. Allen,	do.		"
Wm. A. Spaulding,	do.	"	
M. M. Dickinson,	do.	"	
Benjamin LeRoy,	do.		"
Charles Seeley,	do.	"	
Abram B. Covert,	do.	"	
Joseph Densmore,	do.	"	
Wm. B. Cisson,	do.		"
John Satterlee,	do.	"	
John Southerland,	do.		"
Leander Sawyer,	do.	"	
Carried forward,		\$	\$

DOCUMENTS.

147

Name.	Rank.	Paid.	Unpaid.
	Brought forward,	\$	\$
Thomas Hicklin,	Private,	6 66	
Henry T. Weston,	do.	"	
Lewis W. Sliger,	do.	"	
James Carl,	do.	"	
H. E. Root,	do.	"	
Guy Carleton,	do.	"	
H. P. Goodrich,	do.	"	
Wm. Everett,	do.	"	
Benjamin Lewitt,	do.	"	
Erastus Ramsey,	do.	"	
Jonas H. Platt,	do.	"	
Warren Stone,	do.	"	
Nehemiah Houghton,	do.	"	
Lyman Knight,	do.	"	
Harman Golden,	do.	"	
H. Ousterhout,	do.	"	
John Conklin,	do.	"	
Wm. Kennedy,	do.	"	
Samuel Perry,	do.	"	
Francis Gardner,	do.		6 66
Alfred Howard,	do.	"	
Royal Majors,	do.		"
Darius Barker,	do.	"	
David D. Brown,	do.	"	
Thomas Peacock,	do.		"
Wm. Sloat,	do.		"
Isaac Willson,	do.	"	
Thomas Young,	do.	"	
J. Stalstiner,	do.	"	
Henry B. Sloat,	do.	"	
Henry B. Houghton,	do.	"	
Charles Houning,	do.		"
Charles McLane,	do.		"
John Miller,	do.	"	
Aaron W. Elmore,	do.		"
Conrad Holmes,	do.	"	
Erastus Blanchard,	do.		"
James Palmer,	do.	"	
George Harper,	do.		"
Alexander Dagerman,	do.		"
James Horton,	do.		"
Jesse Shafee,	do.	"	
Thomas C. Brier,	do.		"
Carried forward,		\$	\$

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Charles Van Orden,	Private,	6 66	
Hanson Doran,	do.	"	
Solomon McAnthon,	do.	"	
Austin B. Parks,	do.		6 66
Joshua Fisk,	do.	"	
Gabriel Sterner,	do.		"
Wm. North,	do.		"
George Williams,	do.		"
Samuel Odell,	do.		"
George Stockford,	do.	"	
Harry Much,	do.		"
Isaac Conner,	do.	"	
Joseph Lowrey,	do.	"	
Asa Burnett,	do.	"	
Harrison Savage,	do.	"	
Jesse Corwin,	do.	"	
Vinal Adams,	do.	"	
Henry P. Ronbeck,	do.	"	
Stephen P. Hardy,	do.	"	
Tidy T. Nichols,	do.	"	
John Babcock,	do.	"	
Sol'n Shafer,	do.	"	
Isaac Seymour,	do.	"	
Allen Buck,	do.		"
Ja's Herrington,	Baggage teamster,	"	
Wm. W. Markham,	do. do.	"	
Warren Stone,	do. do.	"	
Andrew Nolan,	do. do.		"
Peter Goodrich,	do. do.		"
Russell,	do. do.		"
		<hr/>	<hr/>
		\$1,912 06	\$254 12

Colonel Warner Wing, 2d Regiment.

Warner Wing,	Colonel,	60 00
Appollos Brown,	Major,	50 00
Lewis E. Bailey,	Adjutant,	40 00
Almon H. White,	Quartermaster,	30 00
Wm. M. Smith,	Surgeon,	45 00
Horace Hungerfield,	Sergeant major,	9 00
George Farrer,	Quartermaster serg't,	9 00
Franklin Johnson,	Commissary,	6 66
George B. Darrow,	Captain,	40 00

Carried forward,

\$

\$

DOCUMENTS.

149

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Levi Lewis,	Lieutenant,	30 00	
Jos. H. Withington,	Ensign,	20 00	
George Willard,	1st Sergeant,	8 00	
John R. Taylor,	3d do.	"	
Orange Charter,	4th do.	"	
Peter Conlish,	Private,	6 66	
Silas Ayres,	do.	"	
Elihu Hall,	do.	"	
Nathan Ingraham,	do.	"	
John Barstow,	do.	"	
Gideon Emerson,	do.	"	
Tho's Reynolds,	do.	"	
Orren Gray,	do.	"	
Morris Leonard,	do.	"	
Oliver Chester,	do.	"	
Walton J. Hall,	do.	"	
Jacob Barton,	do.	"	
Tho's Parmington,	do.		6 66
A. McEldowrey,	do.	"	
Aseph Teal,	do.	"	
George W. Straight,	do.	"	
Rich'd L. Wood,	do.		"
Hiram W. Straight,	do.	"	
Albert Warner,	1st Sergeant,	8 00	
M. Brodick,	2d do.	"	
George West,	3d Sergeant,		8 00
Saltane Young,	Private,	6 66	
James Miller,	do.	"	
Jesse H. King,	do.	"	
Wm. Goff,	do.		6 66
James F. Smith,	do.	"	
Ira D. Crandall,	do.	"	
John Bradford,	Captain,	40 00	
David Hall,	1st Lieutenant,	30 00	
John B. Darby,	2d do.	25 00	
Jacob Leonard,	1st Sergeant,	8 00	
Henry Clinton,	2d do.	"	
Augt. Lognier,	3d do.	"	
Flavius Bushey,	Private,	6 66	
Joseph Chamberlin,	do.	"	
Peter Chamberlin,	do.	"	
Horace H. Goodrich,	do.	"	
Michael Lyons,	do.	"	
Owen Cooney,	do.	"	

Carried forward,

\$

\$

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Lewis Pearl,	Private,	6 66	
Alexis Larabell,	do.	"	
Gilliet Borron,	do.	"	
Joseph Borron,	do.	"	
Noyes A. Wadsworth,	Captain,	40 00	
Francis Possier,	1st Sergeant,	8 00	
James Barnard,	Private,	6 66	
Oliver Lapage,	do.		6 66
Joseph Norris, jr.	do.		"
Eli Mettez,	do.	"	
Alexis Bugrand,	Wagoner,		"
Hubert Ponjetle,	Private,	"	
Joseph Duchene,	do.	"	
Joseph Bernard,	do.	"	
Charles Prew,	do.	"	
Dominique Conturo,	do.	"	
Joseph Bordon,	do.	"	
James Campbell,	do.		"
Leon Cholid,	do.	"	
Thomas Tracy,	do.	"	
Thomas Knaggs,	do.	"	
Antoine Noden,	do.	"	
Antoine Campau,	do.	"	
Dominique Tacia,	Wagoner,	"	
Francis Mettez,	do.	"	
Joseph Morass,	Captain,	40 00	
Francis Consino,	Lieutenant,	30 00	
Peter Moran,	Ensign,	20 00	
Augustus Burdino,	1st Sergeant,	8 00	
Lewis Burdino,	2d do.	8 00	
D. Drummond,	Private,	6 66	
Boswell Consino,	do.	"	
Gabriel Dodean,	do.	"	
Jno. B. Lapoint,	do.	"	
Jno. B. Borron,	do.	"	
John Manore,	do.	"	
Henry D. Berdino,	do.	"	
Antoine Reopel,	do.	"	
Hyacinth Bongon,	do.		"
Lewis Jacobs,	do.	"	
Henry Straight, jr.	do.	"	
Gabriel Bissoneth,	Captain,	40 00	
F. Franklin,	Private,		"
Carried forward,		\$	\$

DOCUMENTS.

151

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
E. C. Canniff,	Private,	6 66	
Armenius Owen,	do.	"	
Warren Hodge,	do.		6 66
Henry Purchase,	do.	"	
Heman N. Spaulding,	Captain,	40 00	
George C. Roof,	Lieutenant,	30 00	
Nelson White,	2d do.	25 00	
James Russell,	1st Sergeant,	8 00	
Wm. Bangor,	2d do.	"	
Joshua Dodge,	3d do.	"	
Sylvanus Spaulding,	4th do.	"	
Alanson Pool,	1st Corporal,	7 33	
Solon Bartlett,	2d do.	"	
Martin H. Smith,	3d do.	"	
James A. Roach,	4th do.	"	
Wm. H. H. Parker,	Drummer,	"	
John P. Harwood,	do.	"	
Joel Hart,	Private,	6 66	
James Squires,	do.	"	
Clark Bidwell,	do.	"	
Orlando Bidwell,	do.	"	
Timothy Sprague,	do.	"	
James Enos,	do.	"	
Andrew Van Alstine,	do.	"	
Lewis Hart,	do.	"	
Hiram Babcock,	do.	"	
Milo Trip,	do.	"	
Perry W. Curtiss,	do.	"	
Josiah Harriss,	do.	"	
Riley Ingersoll,	Teamster,	"	
Abram Van Alstine,	do.	"	
Wm. Kent,	do.	"	
Francis Deshaw,	Private,	"	
Moses Bernard,	do.	"	
J. B. Solon,	do.	"	
		<hr/>	<hr/>
		\$1,376 46	\$74 60

Captain John Wright's Company Light Horse.

John Wright,	Ranking Lieut.	42 00
Simeon B. Brown,	2d do.	37 00
James Hanmer,	3d do.	32 00

Carried forward,

\$

\$

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
James McVay,	1st Sergeant,	20 00	
Thomas Hannibal,	2d do.	20 00	
Alex. Dicks,	3d do.	20 00	
Appolon Guoin,	4th do.	20 00	
John Solo,	1st Corporal,	19 33	
Lewis Lafontaine,	2d do.	19 33	
Aaron Auscomb,	Private,	18 66	
Anthony Bourson,	do.	"	
David Grant,	do.	"	
John Grant,	do.	"	
Wm. Campbell,	do.	"	
Francis Guoin,	do.	"	
Francis Tremble,	do.	"	
Joseph Frasier,	do.	"	
Henry Johnson,	do.		18 66
John Van Riper,	do.	"	
Wm. Mineger,	do.	"	
		<hr/>	<hr/>
		\$416 26	\$18 66

Captain J. Wood's Company Light Horse.

Joseph Wood,	Captain,	52 00	
James M'Bride,	1st Lieutenant,	42 00	
Burton Hotchkiss,	2nd Lieutenant,	37 00	
Stephen Crigo,	Cornet,	32 00	
Lyman Hurd,	1st Sergeant,	20 00	
Smith Stewart,	2d do.	"	
Henry Marvin,	3d do.	"	
Jesse Consor,	4th do.	"	
Edward Crump,	1st Corporal,	19 33	
John H. Bartlett,	2d do.	"	
Stephen Duval,	3d do.	"	
Henry B. Darrah,	4th do.	"	
Marvin B. Straight,	Bugler,	"	
James M'Closkey,	Sadler,	20 00	
Antoine Mettez,	Private,	18 66	
Benjamin Willson,	do.	"	
John Hanson,	do.	"	
Phillip S. Godfroy,	do.	"	
Benjamin F. Wheeler,	do.		18 66
Antoine Laselle,	do.	"	
W. M. Woodworth,	do.	"	
Chauncey S. Fossett,	do.	"	

Carried forward,

\$

 \$

DOCUMENTS.

153

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Samuel Curtiss,	Private,	18 66	
James Velod,	do.	"	
Samuel P. Hopkins,	do.	"	
Joseph P. Navarre,	do.	"	
James Ellison,	do.	"	
Jno. Bt. Sousal,	do.	"	
Antoine Noden,	do.	"	
James Shew,	do.	"	
Thomas Knaggs,	do.	"	
Isaac B. Kimball,	do.	"	
Wm. Ruland,	do.	"	
Antoine Campau,	do.	"	
Antoine Barron,	do.	"	
Antoine Rivard,	do.	"	
Gabriel Lafleur,	do.	"	
John Caldwell,	do.	"	
Charles Navarre,	do.	"	
Thomas McDowell,	do.	"	
John Mulhollen,	do.	"	
		<hr/>	<hr/>
		\$844 81	\$18 66

Shelby Volunteers.

Orson Sheldon,	Captain,	\$40 00
James St. John,	Lieutenant,	30 00
Gurdon C. Leech,	Ensign,	20 00
James B. Carter,	1st Sergeant,	8 00
Miranda Holmes,	2d do.	"
Alfred B. Adams,	3d do.	"
George King,	4th do.	"
Wm. Sheldon,	1st Corporal,	7 33
Libeas Ewell,	2d do.	"
Edmund E. Adair,	3d do.	"
Lyman Wintworth,	4th do.	"
A. Freeland,	Musician,	"
A. G. Deshon,	do.	"
Hiram Harris,	do.	"
James Corvill,	Private,	6 66
Samuel Adair,	do.	"
Harleigh Carter,	do.	"
Payne K. Leech,	do.	"
Wm. A. Fuller,	do.	"
Nelson Huntley,	do.	"
Wm. Merlin,	do.	"

Carried forward,

U

\$

\$

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Alanson King,	Private,	6 66	
Samuel Fowler,	do.	"	
Hiram Thomas,	do.	"	
Silas Peck,	do.		6 66
Jesse B. Gridley,	do.		"
Robert Shelcock,	do.	"	
Jesse Stimpson,	do.	"	
Ezra N. Depew,	do.	"	
Wm. Moore,	do.	"	
Hiram Goff,	do.	"	
Ephraim Caulkins,	do.	"	
Aaron Moore,	do.	"	
Alpheus White,	Captain,	40 00	
Reuben Entell	Private,		"
Lewis Wells,	do.		"
Morris Wells,	do.	6 66	
Russell Wells,	do.	"	
Wm. Nichols,	do.	"	
Erastus Day,	Captain,	40 00	
Wm. H. Webster,	Lieutenant,	30 00	
Wm. R. Hallack,	Sergeant,	8 00	
Sylvester Seley,	Private,	6 66	
John P. Phelps,	do.	"	
Isaac Hall,	do.	"	
Noble Bolton,	do.		"
Thos. Osborn,	do.		"
Wm. Arnold,	do.	"	
Jas. O. Ferris,	Captain,	40 00	
Elias O. McCall,	Lieutenant,	30 00	
C. C. Douglass,	Ensign,	20 00	
N. M. Woodworth,	Captain,	40 00	
Samuel D. Shaddock,	Sergeant,	8 00	
R. J. Crawford,	Private,		"
Stephen Hall,	do.		"
Reuben Warren,	do.	6 66	
James Dirbey,	do.	"	
		<hr/>	<hr/>
		\$602 47	\$53 28

Martin Davis, Acting Brigadier's Detachment.

Martin Davis,	Act. 9th Brigadier,	\$75 00
E. C. Eaton,	Brigade major,	50 00
J. E. Field,	do. quartermaster,	30 00

Carried forward,

\$ \$

DOCUMENTS.

155

Name.	Rank.	Paid.	Unpaid.
	Brought forward,	\$	\$
John Montgomery,	Major,	50 00	
Joseph Lapham,	do.	40 00	
John H. Murray,	Sergeant major,	21 00	
Abel Parkhurst,	Paymaster,	30 00	
Horace Welch,	Quartermaster,	30 00	
Charles Ellis,	do. sergeant,	21 00	
Peter Slingland,	Captain,	52 00	
Morrell Goodrich,	Lieutenant,	42 00	
Wm. S. Colby,	2d do.	37 00	
Ezra Higby,	3d do.	32 00	
James Welch,	1st Sergeant,	20 00	
Rich'd Gorton,	Surgeon's mate,	"	
Moses Rogers,	2d Sergeant,	"	
John Hiscock,	3d do.	"	
James O. Kelley,	4th do.	"	
E. Mann,	1st Corporal,	19 33	
James Nowland,	2d do.	"	
Sylvanus Church,	3d do.	"	
John McCormick,	4th do.	"	
Aaron B. Herrington,	Private,	18 66	
Marcus Beers,	do.	"	
Charles Wycoff,	do.	"	
Willard Comstock,	do.	"	
James West,	do.	"	
Thos. Barkley,	do.	"	
J. Markham,	do.	"	
O. A. Lawrence,	do.		18 66
Elijah Ellis,	do.	"	
Aaron B. Chipman,	do.	"	
Charles C. Jeffries,	Surgeon,	45 00	
Jeremiah Phillip, jr.,	Private, cavalry,	18 66	
Roswell Strong, jr.,	do. do.	"	
Leon'd W. Osgood,	do. do.	"	
Sidney Keets,	do. do.	"	
Peter Wooden,	do. do.	"	
S. Champion, jr.,	do. do.	"	
J. Williamson,	do. do.	"	
Jacob Edmunds,	do. do.		"
David Sweat,	do. do.	"	
Anson B. Loomis,	do. do.	"	
A. Bunnell,	do. do.	"	
Jesse Taylor,	Captain,	40 00	
		<hr/>	<hr/>
		\$1,126 86	\$37 32

Major Gen. Joseph W. Brown, and others.

Name.	Rank.	Paid.	Unpaid.
Jos. W. Brown,	Maj. gen'l comm'dt.	\$200 00	
Alpheus Felch,	Aid do.	50 00	
Cha's W. Whipple,	Division inspector,	50 00	
Daniel S. Bacon,	do. quartermaster,	50 00	
Isaac I. Ullman,	Brigade do.		\$40 00
		<hr/> \$350 00	<hr/> \$40 00

Colonel Davis Smith's 8th Regiment.

Davis Smith,	Colonel,	\$75 00	
Samuel B. Evans,	Lieut. colonel,	60 00	
Derastus Torry,	Major,	50 00	
Joseph E. Hall,	Adjutant,	40 00	
S. F. Blanchard,	Quartermaster,	30 00	
Michael A. Patterson,	Surgeon,	45 00	
Alonzo Cressey,	do. mate,	30 00	
Thomas Sisson,	Ass't quartermaster	9 00	
Hugh Hillock,	do. do.	"	
John D. Howard,	Drum major,	8 33	
B. L. Skinner,	Fife do.	"	
Jos. N. Chandler,	2d Lieutenant,	25 00	
Elleny Patterson,	1st Sergeant,	8 00	
John Moffit,	2d do.	"	
Simeon Davidson,	3d do.	"	
Moses Wright,	3d Corporal,	7 33	
Wm. H. Wood,	Drummer,	"	
Caleb Patterson,	Private,	6 66	
Nathaniel Swartons,	do.	"	
William Collum,	do.	"	
Samuel K. Robertson,	do.	"	
Lorenzo Southworth,	do.	"	
James Jacobs,	do.	"	
Flowers Ousterhout,	do.	"	
Keeler E. Bangs,	do.	"	
Calvin Robertson,	do.	"	
Joseph W. Alard,	do.	"	
Wm. Dailey,	do.	"	
Justice Low,	do.		6 66
Jacob Youd,	do.	"	
Benjamin Bilbain,	do.		"
Sidney Derbyshire,	do.	"	
Geo. C. Van Horn,	do.	"	

Carried forward,

\$

\$

DOCUMENTS.

157

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Reuben L. Hall,	Captain,	40 00	
Eli Chatfield,	Lieutenant,	30 00	
Noah H. Tendall,	Sergeant,	8 00	
Butler Holloway,	do.	"	
Russell Bodin,	do.	"	
O. B. Austin,	Private,	6 66	
David Shull,	do.		6 66
Welcome Sherman,	do.	"	
George Satterlee,	do.		"
Wm. Saxton,	do.	"	
Aaron Norcross,	do.	"	
Jackson Whitney,	do.		"
Lemuel L. Bangs,	do.	"	
James Gamble,	do.	"	
James Boyd,	do.	"	
Frederic Wickwire,	do.	"	
Levi Westgate,	do.	"	
Asahel Taylor,	do.		"
Moses B. Cook,	do.		"
John Densmore,	Captain,	40 00	
Stephen Colwin	1st Sergeant,	8 00	
Jeremiah Smith,	2d do.	"	
Isaiah Low,	3d do.	"	
Peter Brumley,	4th do.	"	
Martin Cure,	Private,	6 66	
Cyrenus Mallett,	do.	"	
Benjamin Sutton,	do.	"	
Jabez H. Jackson,	do.	"	
Norman Blake,	do.	"	
Theodore H. Graham,	do.	"	
Daniel Bugby,	do.	"	
Alonzo F. Bixley,	do.	"	
Elias Bugby,	do.	"	
Ezra Orcott,	do.	"	
John Belcher,	do.		"
John S. Older,	do.	"	
Israel Van Doren,	do.	"	
Wm. Walworth,	do.	"	
Daniel Salisbury,	do.	"	
Henry Force,	do.	"	
Jos. H. Patterson,	do.		"
Cyrus King,	do.	"	
Calvin Martin,	do.	"	
Luther Evans,	do.	"	

Carried forward,

\$

\$

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Stephen Hooney,	Private,		6 66
Levi Bennett,	do.	6 66	
Edwin Comstock,	do.	"	
John Dodge,	do.	"	
Gillet Gilbert,	do.	"	
Nicholas Torbon,	do.		"
Peleg Pettis,	Captain,	40 00	
Guy Carpenter,	Lieutenant,	30 00	
Benjamin Tibbitts,	Ensign,	20 00	
James T. Kidzu,	1st Sergeant,	8 00	
Alvin Hill,	2d do.	"	
Oliver Rhodes,	Corporal,		7 33
Albert Gilbert,	Private,	6 66	
D. M. Stone,	do.	"	
Israel Barret,	do.	"	
Alexander Furgerson,	do.	"	
Melvin B. Pierce,	do.	"	
David Butler,	do.	"	
Wm. Bliss,	do.	"	
Geo. Slout,	do.	"	
Stephen Warren,	do.	"	
Ira Tooker,	do.		6 66
Anson Jackson,	do.		"
John Knapp,	do.	"	
Hiram Hill,	do.	"	
Zeba Woods,	do.	"	
Andrew Ayers,	do.		"
James Young,	do.		"
Elisha Low,	do.	"	
Lorenzo Noyes,	Corporal,	7 33	
Horatio A. Baldwin,	Captain,	40 00	
Simeon Spencer,	Ensign,	20 00	
William A. Hawkins,	1st Sergeant,	8 00	
Peter B. Sutfin,	3d do.	"	
Wm. Bigelow,	1st Corporal,	7 33	
John Tuttle,	4th do.	"	
Wm. J. Willing,	Drummer,	"	
Benjamin F. Skinner,	Fifer,	"	
Alanson Alling,	Private,	6 66	
Fulsan Murdock,	do.	"	
George Chandler,	do.	"	
Philander M. Chandler,	do.	"	
Elexis Ellis,	do.	"	
Carried forward,		\$	\$

DOCUMENTS.

159

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
A. S. Ensworth,	Private,		6 66
Hiram Dodge,	do.	6 66	
Geo. M. Mills,	do.	"	
Elihu Lane,	do.	"	
R. Ransdell,	do.	"	
Lyman G. Jenkins,	do.		"
Hollister Burr,	do.	"	
Silas Markham,	do.	"	
John Stewart,	dc.	"	
N. M. Carter,	do.	"	
Wm. Sutfin,	do.	"	
G. Carter,	do.	"	
E. M. Savage,	do.	"	
George Green,	do.	"	
Olmsted Hough,	do.	"	
A. Blossom, jr.	do.	"	
Abolom Foster,	do.		"
Randal Boss,	do.	"	
Daniel McCormick,	do.	"	
Myron Bivins,	do.	"	
Wm. T. Haight,	do.	"	
Joshua Cole,	do.	"	
Ebenezer Davis,	Captain,	40 00	
Asa G. Edwards,	1st Lieutenant,	30 00	
John J. Adam,	2d do.	25 00	
John Daniels,	1st Sergeant,	8 00	
Ebenezer Knapp,	2d do.	"	
Eli Knight,	Drummer,	7 33	
Orson Knight,	do.	"	
Peter R. Burwell,	Private,	6 66	
Aurora D. Morton,	do.	"	
Joel Bebee,	do.	"	
Daniel Bebee,	do.	"	
Henry Slater,	do.	"	
Reuben Daniels,	do.	"	
Henry Deorly,	do.	"	
Henry Langdon,	do.	"	
Peter Darby,	do.	"	
Abram Darby,	do.	"	
Henry St. John,	do.	"	
Henry Whitman,	do.	"	
Davis Nettleton,	do.	"	
James Bell,	do.	"	

Carried forward,

\$

\$

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
George Fuller,	Private,	6 66	
Philetus W. Wood,	do.	"	
Joseph W. Warner,	do.	"	
John Wheeler,	do.	"	
Eli Wheeler,	do.	"	
Herbut Wheeler,	do.	"	
Merlin Knight,	do.	"	
Samuel Wright,	do.	"	
Otis Lyman,	do.	"	
Augt. Montgomery,	Captain,	40 00	
M. J. Swich,	2d Lieutenant,	25 00	
Daniel Dunning,	2d Sergeant,	8 00	
Cyrus Palmer,	3d do.	"	
Geo. A. Wilkins,	4th do.	"	
Ferris Cook,	2d Corporal,	7 33	
John Burlington,	3d do.	"	
John Swich,	Private,	6 66	
John McNott,	do.	"	
George Embury,	do.	"	
P. Palmer,	do.	"	
Jacob Post,	do.	"	
Minow Miller,	do.	"	
Joel Ball,	do.	"	
Peter Betts,	do.	"	
Jesse Jackson,	do.	"	
Ebenezer Harman,	do.	"	
Corn's Davenport,	do.	"	
Abram Hawkins,	do.	"	
John Norton,	do.	"	
Daniel W. Scoville,	do.	"	
Daniel S. Lewis,	do.	"	
Hiram Cole,	do.	"	
Caleb Ward,	do.	"	
Francis Coates,	do.	"	
Jedh. Raymond,	Captain,	40 00	
Daniel McRoberts,	2d Lieutenant,	25 00	
D. W. H. Bates,	2d Sergeant,	8 00	
James McBoody,	3d do.	"	
Hollis Johnson,	4th do.	"	
George Salisbury,	Corporal,		7 33
Moses T. Bennett,	Musician,	7 33	
Thomas S. Sprague,	do.	"	
Daniel Thurston,	do.	"	

Carried forward,

\$

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DOCUMENTS.

161

Name.	Rank.	Paid.	Unpaid.
Brought forward,		\$	\$
Marcus Rawley,	Private,		6 66
Lorenzo J. Ames,	do.	6 66	
Cyrus Darlin,	do.	"	
Wm. Phillips,	do.	"	
Solomon Halsted,	do.	"	
Josiah Curtiss,	do.	"	
Henry Belcher,	do.	"	
Walter Graham,	do.	"	
Orrin Phelps,	do.	"	
George Chappell,	do.	"	
Moses Salisbury,	do.	"	
Wm. Barns,	do.	"	
Wm. Godfrey,	do.		"
Luther Haskins,	do.	"	
Wm. Haskins,	do.	"	
Milton Hoag,	Captain,	40 00	
C. C. Eaton,	2d Sergeant,	8 00	
Ezra C. Moorehouse,	3d do.	"	
John D. Howard,	Musician,	7 33	
Nicholas L. Parrish,	do.	"	
Stephen Ketchum,	Private,	6 66	
Lewis Morgan,	do.	"	
Robert Cox,	do.	"	
Halsey Lewis,	do.	"	
Asa German,	do.	"	
Doren Minor,	do.	"	
Ansal Winslow,	do.	"	
A. R. McNeil,	do.	"	
Don A. Reed,	do.	"	
William Whater,	do.	"	
Bart White,	do.	"	
		<hr/>	<hr/>
		\$2,222 96	\$147 86

Recapitulation.

	Paid.	Unpaid.
Oakland detachment,	\$1,825 54	\$115 23
J. Bucklin's regiment,	1,391 45	107 23
Wm. Thompson and others,	660 00	20 00
J. D. Davis's rifle regiment,	1,912 06	254 12
Colonel Warner Wing's do.	1,376 46	74 60
Captain John Wright's co. light-horse,	416 26	18 66
Captain Joseph Wood's co. do.	844 81	18 66
Shelby volunteers,	602 47	53 28

Carried forward,

V

	Paid.	Unpaid.
Brought forward,	\$	\$
Martin Davis and others,	1,126 86	37 32
Colonel Davis Smith's 8th regiment,	2,222 96	147 86
General Jos. Brown and others,	350 00	40 00
	<hr/>	<hr/>
	\$12,728 87	\$886 96

H. HOWARD, *Treasurer.*

STATE TREASURER'S OFFICE, }
Detroit, February 9, 1837. }

(No. 19.)

Report of the Select Committee on Imprisonment for Debt.

Mr. Hough, from the select committee to whom had been referred so much of the Governor's message as relates to imprisonment for debt, made the following report :

That they have given the subject that careful and mature consideration which matter of such weighty importance demands ; and have come to the unanimous conclusion that the existing laws allowing imprisonment for debt are *unjust, impolitic* and *inconsistent* with the *spirit of our free institutions*, and that they ought therefore to be repealed.

The reasonings which have induced this conclusion, they will briefly set forth, premising that at this period, and after so much has been written on the subject, it can hardly be expected that any thing new can be offered, and the committee will be fully satisfied if they can only bring home to the minds of the Representatives of the intelligent freemen of Michigan, a deeper sense of the impropriety and inefficiency of the existing laws.

It cannot but be acknowledged that it is one of the first and highest duties of every government to provide for the *certain* and *equal* distribution of *justice* among all classes of its citizens. This obligation flows from the chief objects of civil society, and the very nature of the social compact itself ; men never would have bound themselves to perform the duties and endure the ties of society, and consented to divest themselves, in its favor, of a portion of their natural liberties, had it not been for the purpose, and with a view, of peaceably securing their own enjoyment and happiness, and of obtaining justice with certainty upon those who interfered to prevent this attainment.

Whatever, therefore, withholds the citizen from the accomplishment of an end so important and desirable, obstructs the most holy and legitimate purposes for which government was instituted. and greatly deceives those trusting individuals who have entered

into society, under a solemn pledge that they should forever possess the right to the enjoyment of *life, liberty* and the pursuit of happiness, untrammelled by oppression and unawed by power. Rights of this nature, so essential to that elevation of character and progress towards perfection which best befits intellectual and moral beings, *cannot be divested or forfeited* without crime; and it is therefore of the utmost importance to the preservation of the liberty of the citizen, that *crime* should be *clearly defined*, and its punishment determined by the provisions of law; and as the passions would be likely to interfere in matters which should only be regulated by the purest principles, it would be dangerous and impolitic in the extreme to leave the punishment of transgressors to the discretion of individuals, who deemed themselves injured, and in whose bosoms feelings of revenge might usurp the place of those virtuous, benign, and dignified emotions which should ever be the prevailing characteristics of the mind of the upright judge and dispenser of the laws.

A code of jurisprudence therefore, which, whilst it precisely defined crime, and disclosed the exact point where a neglect of duty or the commission of some act of offence should be punished as an infraction of the law, was yet entirely adapted to advance the happiness and prosperity of a nation, would be the noblest effort of human skill and wisdom, and is a state of perfection in the science of government not yet to be expected or attained. But laws which regulate private conduct without invading the sanctity of private opinion, and binding the conscience of the citizen to particular modes of faith, which promote the general welfare and prosperity with as little sacrifice of individual liberty and happiness as possible, and which are calculated to enlarge the intelligence and increase the wealth of a nation or community, with a strict regard to its morals, and at the same time maintain perfect subordination without oppressive and trivial restrictions, as they have been among the great desiderata of the most enlightened statesmen and sages of the past, should be the peculiar care of the representatives of a people so youthful, enterprising and intelligent. Among the objects of ambition, none can be deemed so well worthy of the exertion and so exalting to the character of refined, intelligent and moral beings, as to be the instrument of devising and adopting such a system of laws. Among all the schemes of benevolence, none can be imagined so well calculated to ensure the amelioration and benefit the condition of the mass of mankind, as an effort so to improve our laws that practical results, when carried into effect by the decision of pure, wise and just judges, shall at the same time increase the happiness and perfect the morals of the citizen, and *secure the peace and redound to the honor and true glory* of the nation.

The committee are fully aware of the great difficulty which

legislatures have ever encountered in determining the exact point at which a vicious, immoral or improper act, shall cease to be considered a mere dereliction from duty, for which the individual is only answerable to his conscience and his God, and from whence the commission of the offence shall be accounted a crime against the state, subjecting the offender to the penalty inflicted for a violation of the law. There is, however, one concomitant which is admitted to be a universal test of crime, and in the absence of which no act, however improper, should be adjudged criminal, or subject the offender to the infliction of legal punishment, that is the **MALICIOUS INTENT**. There may perhaps be a single exception to this rule, the case of manslaughter, where life is taken under the excitement and impulse of unrestrained passion; but this, as disputants would perhaps aver, only proves the existence of the *general rule*; and it may well be doubted, as instances of this offence are so very rare, whether it would not be better and wiser, to strike this exception from our list of statutory crime.

With the *malicious intent*, then, as our admitted *test of crime*, we will proceed to inquire, whether an ordinary failure to pay a debt or sum of money at the time when, by the terms of the contract it becomes due, can be justly characterized as criminal, or should subject the individual in default to a deprivation of his liberty, and, what to the sensitive mind is still worse, the deep and damning humiliation and disgrace of being locked up in the same dungeon with the vilest felon.

As an illustration of the principles involved in the inquiry, let us suppose a case: A poor but honest laborer, whose hands are his only resource for the procurement of subsistence for himself and family, has become indebted to his wealthy neighbor, a merchant, from whom he has purchased supplies. The account is balanced and a note is given for the sum due, at a time sufficiently long, in the opinion of the debtor, to enable him to meet the engagement, and support his family. Pay-day at length arrives, but in the mean time the debtor has been rendered unable by disease, even to provide the necessaries of life for those dependant on his earnings, and far less to secure the means of cancelling the debt, as he honestly intended; and he is left at the mercy of one whose urgent and greedy demands, excuses and assertions of honest intention will never satisfy. Goaded on, perhaps, by some cherished cause of hate, the creditor is ready to swear with Shylock the Jew,—“There is no power in the tongue of man to alter me, I stay here on my bond.” And like him also, is “*well pleased* to have the ‘*pound of flesh nearest the heart.*’” And to carry out and complete the picture, the justice, ever ready at the call of a wealthy creditor to issue process for the sake of the fees, here comes in, and in furtherance of the same spirit, pronounces judgment like a second Daniel—“A pound of that same

debtor's flesh is thine, the court awards it and the law doth give it." And without being charged with crime, and innocent even of an immoral or vicious act, judgment is perfected against the debtor. The execution is issued forthwith, (as Shylock can safely swear he fears the loss of his debt,) and levied upon the person; and the honest man, with a noble and cultivated mind, and with feelings exquisitely alive to the slightest shadow of disgrace, is torn from his family and thrown into a common jail, to inhale the pestiferous breath, and become horror-struck with the oaths and blasphemies of wretches dead to shame, and steelled to the compunctious visitings of conscience. And, to complete the climax, the last and bitterest dregs of the cup of poverty are poured out for the wretched wife and children of the prisoner, in their becoming paupers by compulsion.

But does all this punishment, degradation and wretchedness cancel the demand? certainly not! the farthest from it possible. For *misery* never was a *cash article*; and the *woes* of the *poor*, imprisoned debtor, never could be estimated in *dollars and cents*. And however much it might increase the sorrows of the sufferer, every day's imprisonment only postponed the probable payment of the debt.

The committee would not assert that every case of imprisonment for debt would answer to the above illustration; but that there have been numerous instances of similar characteristic features, is beyond question. If then the example cited is a fair illustration of the *possible effects* of the existing laws, we may well appeal to the "*still small voice*" of conscience in every man's bosom, whether laws, the *possible results* of which are so oppressive in their character and so productive of injustice, shall be permitted to remain a *blight* upon our institutions? Shall such a monstrous anomaly in a free government be allowed to cast its dark shade upon the statutes of the state of Michigan?

Whilst the glorious *title deed* to the liberties of our great republic solemnly proclaims "That all men are created equal, and endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness," shall we suffer the existence of a law which, for mere misfortune, *may* subject a citizen debtor, at the caprice and from the sheer malice of his creditor and equal, to the deprivation of his liberty, and that too, without crime, and in the admitted absence of even a dishonorable intent? Shall we sink misfortune to a level with infamy? Shall we add disgrace to misery, and pour out the withering wrath of offended justice upon him whose only crime is that of poverty? Justice, wisdom, humanity forbid! The genius of our free institutions calls upon us to cast this "*time honored relic of barbarism*" back among the gloomy shades of prejudice, ignorance and superstition, from whence it sprung.

With all our veneration for the past, we cannot believe it the part of wisdom to cling to erroneous systems merely because they are ancient, when our reason and experience alike teach us that they are unjust and oppressive. Philosophers and statesmen of the present day, and more especially those of our own country, act upon no such short-sighted principles. As it has been said of the illustrious Jefferson and Adams, "they care not if they *shake the world* with their opinions, so long as they scatter the clouds and let in light upon the mind." And thus it should ever be. Where *truth* is to be discovered—where *rights* are to be secured—where *justice* is the object to be obtained, and the means of its equal dispensation rendered available, we cannot be too bold or swift in the onward march of improvement.

The committee are therefore clearly of opinion, that it is due to the rights of personal liberty, and to a wise and equal dispensation of justice, that there should be a reform in the law in this particular. But whilst they would contend that no person who, with honest intentions, failed to perform his contract, from inability to obtain the means of payment, should, as a necessary consequence, subject himself to the loss of his liberty, yet they would as strongly urge that every individual who fraudulently contracted a debt, or having property, fraudulently concealed or assigned it, and refused to appropriate it in payment of his debts, should be deemed guilty of a criminal offence against society, and should be subjected by law to indictment and punishment for a misdemeanor.

The committee, believing also that the property of every individual should in virtue and of right be always appropriated to the satisfaction of his debts, are of the opinion that the law should provide for the most summary process for the commencement of suits, and for the immediate issuing of execution upon all judgments, unless stayed by the security of the demand.

For the purpose of carrying out the principles of the report, the committee would respectfully recommend the adoption of the following resolutions :

Resolved, That the existing laws, allowing imprisonment for debt, are, in the opinion of the Senate, unjust, impolitic, and inconsistent with the spirit of our free institutions, and ought therefore to be repealed.

Resolved, That the commissioner who has in charge a revision of the laws of this state, be requested not to embody the principle of imprisonment for debt in the system of collection laws, which he may report for the adoption of the legislature ; but to provide for the issuing of summary process for the commencement of suits, and for the execution of judgments, unless the same shall be secured according to law.

(No. 20.)

Letter from Major General Macomb, to his Excellency the Governor of Michigan, accompanying a copy of Military Tactics.

HEAD QUARTERS OF THE ARMY, }
Washington, Jan. 2d, 1837. }

To his Excellency S. T. MASON, Governor and Commander in Chief in and over the State of Michigan.

SIR:—I have the honor to present to your Excellency herewith, a copy of a system of tactics prepared for the use of the militia.

Your Excellency will perceive, by an inspection of the book, that it embraces instructions for all the different arms, viz: the infantry, cavalry, and artillery, including the light infantry, and riflemen, as well as the light or horse artillery; and also regulations for duty in camp and garrison, the whole compressed into the smallest possible space, without omitting any thing essential to troops in actual service, or indeed on any other occasion. The system is in every respect in accordance with the established rules and practice of the regular army.

This work was prepared under my supervision, by Capt. Cooper, an officer of the army attached to my personal staff, on whose practical knowledge, I placed great reliance. From a careful examination of the book and the reports of several officers of the regular service and of the militia, in whose hands it had been placed for use and inspection, I feel myself authorized to recommend it to your Excellency, as a system well adapted to facilitate the instruction of the militia and volunteers of the state over which you preside, should the state deem it proper to adopt it by legislative or executive action.

With sentiments of profound respect,

I am, sir, your most obedient servant

ALEX. MACOMB,

Major General.

(No. 21.)

Report of committee on State Affairs relative to the Detroit Post Office as a distributing office:

The committee on state affairs, to which was referred, on the 26th ult. a preamble and resolution relative to the supposed dis-

continuance of the post office in the city of Detroit, as a distributing office, report:

That they have had the same under consideration, and that it appears, from letters received from our senators in Congress, that the post office in the city of Detroit, is to remain and continue to be a distributing office as heretofore. That the distributing office to be established at the village of Toledo, on the first of April, is intended for the land mail only, and will "in no way interfere with the transportation of the mail to Detroit in steamboats during the summer."

Your committee therefore recommend the rejection of the preamble and resolution referred to.

RANDOLPH MANNING, *Chairman.*

(No. 22.)

Resolutions of the State of Vermont relative to Slavery, &c.

EXECUTIVE DEPARTMENT, }
Montpelier, Vermont, Nov. 18, 1836. }

SIR:—In compliance with the request of the general assembly of this state, I have the honor to transmit the subjoined resolutions, with the request that they may be communicated to the legislature of your state.

Very respectfully,

Your obedient servant,

S. H. JENISON.

His Excellency the Governor of Michigan.

Resolved, by the General Assembly of the State of Vermont, That neither Congress, nor the state governments, have any constitutional right to abridge the free expression of opinions, or the transmission of them through the public mail.

Resolved, That Congress do possess the power to abolish slavery and the slave-trade in the District of Columbia.

Resolved, That his Excellency, the Governor be requested to transmit copies of the foregoing resolutions to the executives of each of the states, and to each of our senators and representatives in Congress.

In House of Representatives, Nov. 15, 1836—Resolutions read and passed.

A. L. MINER, *Clerk.*

In Senate, Nov. 16, 1836—Read and resolved to concur.

N. WILLIAMS, *Secretary.*

(No. 23.)

Statement of the Bank of Washtenaw, March 3, 1837.

BANK OF WASHTENAW, }
Ann Arbor, March 3, 1837. }

SIR—In compliance with a resolution of the honorable the legislature of the state of Michigan, passed on the 14th day of February last, and received by me on the 1st instant, I have the honor to transmit to you herewith, a statement of the affairs and condition of this bank, duly verified, and am,

With great respect,

Your obedient servant,

E. J. COBB, *Cashier.*

Hon. E. MUNDY,

President of the Senate, Detroit.

Resources.

Bills discounted,	\$157,867 42
Specie,	13,208 48
Bills of solvent banks,	8,334 60
Funds in New York on interest, at 5 per cent., subject to sight drafts,	12,969 06
Funds in New York on interest at 6 per cent., to redeem our circulation payable there,	50,400 00
Funds in Lockport on interest at 6 per cent., subject to sight drafts,	13,516 45
Funds in Buffalo,	1,358 12
Due from the Bank of Michigan,	1,674 46
Due from Branch bank of Michigan,	108 00
Suspense account,	40 31
Contingent expenses,	5,381 44
Real estate,	2,500 00
	<hr/>
	\$267,358 34

Liabilities.

Capital stock paid in,	\$100,000 00
Profit and loss,	3,896 74
Discounts received,	5,488 01
Bills in circulation,	130,013 00
Due Erie and Kalamazoo railroad bank,	110 00
Farmers' and Mechanics' bank,	1,328 53
Bank of Buffalo,	297 00
Bank of River Raisin,	2,127 15

Carried forward,
W

\$

Brought forward,	•	
Bank of Monroe,		57 10
Dividends unpaid,		520 00
Due individual depositors,		23,520 81
		<hr/>
		\$267,358 34

State of Michigan, Washtenaw County, ss.

William S. Maynard, president, and Ebenezer S. Cobb, cashier of the Bank of Washtenaw, in said county, being duly sworn, make oath and say, that the foregoing statement of the affairs and condition of said bank is, in every respect, just and true, and further these deponents say not.

WILLIAM S. MAYNARD.
E. S. COBB,

Sworn and subscribed before me, this 4th day of March, 1837.
N. R. RAMSDELL, *Notary Public.*

State of Michigan, Washtenaw County, ss.

E. W. Morgan, one of the directors of the Bank of Washtenaw, being duly sworn, maketh oath, that the foregoing statement is, to the best of his knowledge and belief, just and true, and that all the other directors of said bank, except W. S. Maynard and E. S. Cobb, are now absent from the village of Ann Arbor, and further saith not.

E. W. MORGAN.
Sworn and subscribed before me, this 4th day of March, 1837.
N. R. RAMSDELL, *Notary Public.*

Statement of the Farmers' and Mechanics' Bank, Detroit.

FARMERS' AND MECHANICS' BANK, }
Detroit, Feb. 28, 1837.

SIR—In conformity with a joint resolution of the legislature of Michigan, passed 14th inst., I enclose a statement of the condition of this bank.

Very respectfully, sir,

Your obedient servant,

JOHN A. WELLES, *Cashier.*

Hon. E. MUNDY, President Senate, Michigan.

Resources.

Discounted bills and domestic exchange,	\$639,596 33	
Branch,	136,772 29	
	<hr/>	\$776,368 62
Carried forward,	•	•

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Brought forward,	\$	\$	
Real estate,	13,496 36		
Branch,	1,333 01		
			14,829 37
Expenses,	1,078 11		
Branch,	342 44		
			1,420 55
Due from banks,	365,007 82		
Branch,	2,369 24		
			367,379 06
Foreign notes, (banks)	44,101 40		
Branch,	5,684 00		
			49,785 40
United States mint,			500 00
Specie,	119,101 96		
Branch,	12,640 22		
			330,742 18
Cash items,			7,139 40
Funds in transition,			6,591 27
			<u>\$1,355,753 85</u>

Liabilities.

Capital stock paid in,		\$400,000 00
Profits on hand,	\$13,872 75	
Branch,	3,853 59	
		17,726 34
Treasurer U. S.,		436,926 69
Public officers,		49,837 35
Dividends unclaimed,		1,149 50
Due to bank,	29,080 99	
Branch,	117 41	
		29,198 50
Circulation,	188,764 50	
Branch,	65,260 00	
		254,024 50
Special deposits,		9,613 25
Individual deposits,	119,979 82	
Branch,	37,298 90	
		<u>1,355,753 85</u>

Statement of the Michigan State Bank.

MICHIGAN STATE BANK, }
 March 7, 1837. }

To the Hon. E. MUNDY, President of the Senate:

SIR—Herewith I transmit a statement of this institution, agree-

ably to a resolution of the Senate and House of Representatives, passed February 15, 1837.

Resources.

Deposited in New York,	\$6,604 00
do. in Albany,	32,114 85
Due from Bank of Monroe, (Mich.)	5,479 00
“ “ River Raisin,	2,161 36
“ “ Pontiac,	110 59
“ Branch bank Illinois, Chicago,	1,021 74
Due from Bank of Rochester,	221 00
“ Branch bank of Michigan,	1,147 55
“ Bank of Tecumseh,	609 27
“ Erie and Kalamazoo railroad bank,	241 39
Michigan state bank stock,	11,875 00
Real estate,	2,333 33
Incidental account,	238 06
Bills discounted,	189,980 33
Specie,	158,810 07
Foreign bank notes,	66,377 00
	<hr/>
	\$479,324 36

Liabilities.

Stock paid in,	\$140,000 00
Due Commercial bank, Buffalo,	5,155 68
“ State of Michigan,	210,305 53
“ Bank of Ypsilanti,	276 81
“ New York state bank,	401 00
“ Farmers' bank, Troy,	452 04
“ Bank of Sandusky,	3,658 14
Profit and loss,	7,312 33
Dividends unpaid,	1,098 75
Circulation,	76,794 00
Individual deposites,	33,870 28
	<hr/>
	\$479,324 56

Which is most respectfully submitted.

F. H. STEVENS, *President.*

JNO. NORTON, jr., *Cashier.*

State of Michigan, County of Wayne, ss :

On the tenth day of March, A. D. 1837, personally appeared before me, a notary public in and for said county, Frederick H. Stevens and John Norton, jr., and made solemn oath that the foregoing statement made and subscribed by them, is just, correct and true.

JAMES A. VANDYKE,
Notary Public, W. C. M.

(No. 24.)

Report of the minority of the Committee on Towns and Counties, in relation to the removal or vacating of the County Seat of Shiawassee county.

The minority of the "committee on towns and counties," to whom was referred a bill brought in on leave to vacate the county seat of Shiawassee, and also sundry petitions and remonstrances, and various other papers relating to the removal or vacating of said county seat, respectfully report :

That from a thorough investigation of the subject, the following statements are substantiated, viz :

That a large majority of the inhabitants of said county pray for the removal of the seat of justice to Shiawassee town, a village farther south and east, than the present county seat.

The present county seat was located in March, 1836, by commissioners appointed by the Governor for that purpose ; the commissioners discharged their duty faithfully, honestly and impartially, and the Governor, by proclamation, sanctioned and confirmed said location. The present county seat is nearer the geographical centre than Shiawassee town, is an eligible site for a village, lying on the Shiawassee river, and possessing sufficient water privileges for the necessary purposes ; and improvements are making there which will warrant the accommodation of the inhabitants in transacting their county business when required.

The county generally, and in every quarter, is susceptible of a dense population. One year ago it contained only between twenty and forty families ; it now only contains somewhere between one hundred and twenty and two hundred families. The settlement of the county commenced in the southern part, that being the most easily approached, and the southern part now contains the principal portion of the inhabitants.

From the statements, briefly made, the conclusion seems necessarily and irresistibly to follow, that at this early stage of the settlement of said county, and under these circumstances, the prayer of the petitioners should not be granted, and that any legislative action on the subject, or in the case, at this time, is not required and is inexpedient, as it would have a tendency to encourage much unnecessary and uncalled for legislation, and impair confidence in legislative sanctions and enactments, and also tend to destroy that security and protection which every citizen justly expects the laws of the state are intended to afford. Which is respectfully submitted, &c.

(No. 25.)

Proposition of the Detroit and Pontiac Railroad Company.

To his Excellency STEVENS T. MASON,
Governor of the State of Michigan :

SIR—As a committee appointed by the stockholders of the Detroit and Pontiac railroad company, for the purpose of making propositions for the relinquishment of their charter to the state, we would respectfully offer to do so upon the following conditions :

First, That the act incorporating said railroad company be so amended as to allow the Bank of Pontiac to enjoy the same privileges as it does in its present connection with said railroad charter.

Second, That the state pay to the treasurer of the company the amount of money expended in the construction of said road, and seven per cent. interest thereon, and assume all contracts not yet completed.

Third, That the road, so far as it is under contract, being twelve miles and forty eight rods, shall be allowed to remain as now located.

Fourth, That the state shall cause said road to be continued to the village of Pontiac, within two years from the date of the relinquishment of the charter.

And we are instructed to state to your Excellency, that from what estimates have been made, the probable entire cost of the road, including cars sufficient to put it in operation, will not exceed one hundred and twenty-five thousand dollars ; about twenty-five thousand of which have been already expended.

And we are further instructed to state, that in case the legislature should deem it more expedient to grant to the company a loan of fifty thousand dollars upon a pledge of the stock, together with whatever other additional security the state may require, it would better meet the wishes of the stockholders, and enable them more immediately to complete the work.

(Signed)

DANIEL LE ROY,
G. O. WHITEMORE.

(No. 26.)

Report of the majority of the Committee on Towns and Counties, to whom was referred a bill from the House of Representatives to establish the Seat of Justice of Branch county, and also a report of the Commissioners appointed to review the County Seat of Branch county.

The majority of the committee on towns and counties, to whom was referred a bill from the House of Representatives to establish the seat of justice of Branch county, and also a report of the commissioners appointed to review the county seat of Branch county, respectfully report :

That in relation to the bill, your committee report adverse to its passage, believing it is not the action required of this legislature, nor the correct method of legislation in such cases. Where the population of the county is small and scattered, and that population daily increasing, it is by no means certain that the voice of the majority is the same this year, that it will be next year or for years to come. In the permanent location of a county seat, your committee therefore cannot see the justice or propriety of a bare majority of the inhabitants changing or fixing the site at so early a period, and also feel assured that it would cause much unhappiness and unnecessary excitement, disquietude and collision.

Your committee are also of the opinion that the county, in relation to this measure, have had no legal notice whatever, and on that ground it is entirely objectionable.

In regard to the report of the commissioners appointed to view the county seat, it may be a matter of doubt, according to the rules of this House, as to the propriety of your committee at this stage of the proceedings, expressing an opinion, however, they would beg leave to say, that if the county seat was actually vacated, the village of Mason would undoubtedly present strong claims as a point ; but inasmuch as the seat of justice is now at the village of Branch, and that village is almost the exact geographical centre of the county, and the improvements of the county, particularly as to roads, are but just commencing, they are of opinion that no satisfactory reason has been given why any change should now be made, and particularly as the village of Branch has been clearly shown to be a pleasant and eligible situation for a village ; your committee would therefore decide against the confirmation of said report.

All which is respectfully submitted.

(No. 27.)

Message from the Governor, transmitting proposition of Detroit and Pontiac Railroad Company.

EXECUTIVE OFFICE, }
March 3, 1837. }

To the Senate :

I transmit for the action of the Senate, the proposition of the "Detroit and Pontiac railroad company," for the surrender of their charter to the state. The importance of the improvement here contemplated, is such, that I am induced to submit the proposition to the legislature, with the recommendation, that it should receive their serious and attentive consideration.

STEVENS T. MASON.

(No. 28.)

Report of the committee on State Affairs, in relation to Settlers on the Niles Reserve.

The committee on state affairs, to whom was referred the message of the Governor, and sundry petitions, relative to certain pre-emption claims to lands located by the state for the University, on the Niles reservation in Berrien county, report :

That they have had the same under consideration, and that any legislative action at the present time, on the supposed rights of the claimants is inexpedient, inasmuch as the locations made by the state have not yet been confirmed by the secretary of the Treasury of the United States, and until they are confirmed, the right of the state to the land in question is not complete.

Your committee therefore recommend the adoption of the following resolution :

Resolved, That until the locations made by the state are confirmed, it is inexpedient to legislate upon the supposed rights of the claimants.

(No. 29.)

Communication from U. C. Trowbridge on behalf of the Historical Society of Michigan.

At a meeting of the Historical society of Michigan, held on the 18th day of March, 1837, H. R. Schoolcraft in the chair, the following resolution was adopted :

Resolved, That letters be addressed to the President of the Senate and the Speaker of the House of Representatives of Michigan, respectfully asking them to aid the Historical society in such way as they shall deem most fit and expedient, to obtain from the members of the honorable bodies over which they preside, such facts relative to the first settlement of the counties and towns in the state, as may be worthy of record and preservation; to be transmitted, in the course of the ensuing season, to the corresponding secretary thereof.

C. C. TROWBRIDGE, *Rec. Sec. pro tem.*

(No. 30.)

Report of the Committee on Towns and Counties, on the Berrien County seat.

The committee to whom was recommitted the bill to vacate the present seat of justice of the county of Berrien, &c. with the accompanying resolution of instruction, respectfully report:

That they have made the inquiry as instructed, and have ascertained that due notice was given, and the committee, also, for the benefit of the Senate, report the facts as testified to.

Mr. Barns, editor of the Niles Gazette, being duly sworn, testified, that notice of an intended application to the present legislature for an act to remove the county seat of Berrien county, was inserted in the Niles Gazette, in the seventh number of said paper, and to the best of his knowledge and belief was published in every number of that paper until the fourteenth number, which was produced to your committee and in which said notice was published.

Dr. Murray, being duly sworn, testifies, that three notices were put up in the village of Berrien in the following manner, viz: one in each of the stores of said village; and one in the only tavern in said village, the two in the stores were put up between the first and eighth of December last, and the one in the tavern perhaps a week later, and that said notices were put up in said houses where public notices are usually put up, and also that a notice was put up in Wilder's Exchange, in the village of Niles, between the fifteenth and twentieth of December last, that said notice was put up on the wall of the house, above the desk which was on the counter of the bar in said house.

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EXTRA SESSION.

(No. 1.)

Special Report of the Bank Commissioner, exhibiting the condition of the Banks in the State of Michigan, June, 1837.

To his Excellency STEVENS T. MASON,

Governor of Michigan:

SIR—In accordance with your instructions, I have visited all the banking institutions in the state, and made a personal examination into their affairs; and have the honor to submit the accompanying statements as the result of my inquiries into their present condition.

It is due to the banks and to the community, that I should express my entire conviction of their general solvency, and ability to meet their existing liabilities; I do this with great pleasure, as the exhibits of their present situation herewith communicated, fully demonstrate, that the banks of Michigan were under no necessity to suspend specie payments, except as a measure of defence, to protect themselves from the consequences that must inevitably result from the suspension of banks in New York and elsewhere.

I will also take the occasion to say, that every facility has been afforded me by the officers of the different banks in aid of my investigation, and every disposition manifested to give a true exposition of their affairs.

All which is respectfully submitted.

I have the honor to be

Your ob't servant,

(Signed)

E. N. BRIDGES, *Bank Com.*

Bank of Michigan, Detroit, and Branch at Kalamazoo, June 1, 1837.

Bills discounted,	\$919,151 00
Domestic bills of exchange,	416,815 36
Loans on guaranty and real estate,	73,442 47
Advances to public officers,	6,472 85
Banking-house, (new)	13,577 74
J. Ward & Co.,	5,198 29
Albany city bank,	88,067 95
F. & M. bank, Michigan,	14,776 19
Michigan state bank,	4,948 40
Branch bank, Michigan,	169,902 99
Bank of Buffalo,	4,923 33
Bank of Geneva,	8,499 50
Bank River Raisin,	10,015 70
Ohio life and trust co.,	292 51
Clinton bank,	49 06
Branch bank, Chicago,	1,574 96
Branch bank, Galena,	656 31
Calhoun county bank,	52 05
Franklin bank, Cincinnati,	308 72
Bank of Washtenaw,	1,275 52
F. & M. bank, St. Joseph,	335 37
Bank of Auburn,	1,011 17
Ontario branch bank,	2,463 76
Bank of Cleveland,	618 06
Bank of the Metropolis,	166 79
Foreign bank notes,	42,439 00
Specie,	107,393 92

\$1,894,428 91

Capital stock,	\$450,000 00
do. Branch bank,	50,000 00
Discounts received,	20,261 70
Profit and loss,	6,409 57
Contingent fund,	13,897 02
Due to public officers,	24,688 21
Treasurer U. States,	730,434 98
Com. bank Lake Erie,	4,647 55
Bank of Oswego,	900 00
Seneca county bank,	6,256 74
Wisconsin bank,	305 51
Bank of Ypsilanti,	1,884 04

Carried forward,

\$

Brought forward,		•
Bank of Norwalk,		1,424
Bank of Pontiac,	750	93
Macomb county bank,	274	73
Merchants' bank, (Boston)	790	20
Bank of Rochester,	530	19
Erie & K. R. R. bank,	915	53
Miami export company,	440	00
Deposites,	234,555	01
Circulation,	345,063	00

\$1,894,428 01

Statement of the Branch Bank, May 20, 1837.

Bills discounted,	\$133,339	21
Domestic exchange,	50,289	87
Cash,		
Foreign bills,	4,611	00
Specie,	6,400	20
Bank of Michigan, special account,	50,000	00
Furniture,	2,173	49
Farmers' and Mechanics' branch bank,	986	86
New banking-house,	80	00
Bank of Washtenaw,	325	00

\$218,205 43

Capital stock,	\$50,00	00
Discounts received,	2,451	37
Profit and loss,	2,241	07
Expense account,	3,259	60
Due to banks,		
Bank of Michigan,	162,394	51
Calhoun county bank,	2,723	89
Individual deposits,	10,212	99
Circulation,	14,922	00

\$248,205 43

(Signed)

A. G. HAMMOND, *Cashier.*

Wayne County, State of Michigan, ss.

H. K. Sanger, cashier of the Bank of Michigan, having been duly sworn, deposes and says, that the within is a true statement of the funds of said bank.

H. K. SANGER, *Cashier.*

Sworn and subscribed before me,

E. N. BRIDGES, *Bank Com'r.*

*Farmers' and Mechanics' Bank of Michigan, Detroit, and Branch
at St. Joseph, June 1, 1837.*

Bills, discounts and domestic exchanges,

Parent office,	\$892,811 34	
Branch,	204,668 96	
	<hr/>	\$1,007,480 30
Real estate,	14,281 02	
Branch,	1,470 01	
	<hr/>	15,751 03
•Expense account,		3,314 15
Due from banks,	232,161 00	
Branch,	10,297 74	
	<hr/>	242,458 74
J. Norton, cashier, draft returned for specie,	10,000 00	
	<hr/>	10,000 00
Foreign bank notes,	26,757 92	
Branch,	27,901 00	
	<hr/>	54,658 92
Specie,	105,789 56	
Branch,	8,514 62	
	<hr/>	114,304 18
Items as cash,		12,009 71
		<hr/>
		\$1,459,977 03
		<hr/>
Capital stock,		\$400,000 00
Profits on hand,	\$20,766 43	
Branch,	7,551 35	
	<hr/>	33,317 78
Treasurer of U. S.		483,284 75
Public officers,		33,633 13
Dividends unpaid,		774 50
Due to banks,	53,548 09	
Branch,	1,288 61	
	<hr/>	54,836 70
Circulation,	156,287 00	
Branch,	133,300 00	
	<hr/>	289,587 00
Special deposits,		12,592 93
Individual deposits,	109,118 61	
Branch,	89,862 08	
	<hr/>	148,480 69
Bank in transitu,		3,469 55
		<hr/>
		\$1,459,977 03

Wayne County, State of Michigan, ss.

John Biddle, president, and John A. Welles, cashier of the Farmers' and Mechanics' bank, having been duly sworn to, depose and say that the above is a true statement of the funds of said bank.

(Signed)

JOHN BIDDLE, *President.*JOHN A. WELLES, *Cashier.*

Before me, this 12th day of June,

H. H. BROWN, *Notary Public.**Michigan State Bank, Detroit, June 10, 1837.**Assets.*

Bills discounted,	\$258,140 63
Real estate,	8,306 34
Expense account,	838 17
Due from other banks,	30,123 43
Foreign notes,	38,803 00
Specie on hand,	33,220 00
Items in transitu,	16,226 21
State of Michigan,	18,783 07
Deposites in New York and Albany,	77,496 14
Stock owned by bank,	32,592 50
	<hr/>
	\$514,529 49
	<hr/>

Liabilities.

Capital stock,	\$200,000 00
Profit and loss,	13,244 37
Internal improvement fund,	118,656 49
Due to banks,	28,009 95
Circulation,	98,104 00
Dividends unpaid,	217 50
Individual deposits,	56,207 18
	<hr/>
	\$514,529 40
	<hr/>

(Signed)

F. H. STEVENS, *President.*JOHN NORTON, Jr. *Cashier.**State of Michigan, Wayne county, ss.*

On this 12th day of June, 1837, personally came before me, F. H. Stevens, president, and John Norton, jr. cashier of the Michigan state bank, and being by me duly sworn, depose and say, that the foregoing statement by them subscribed, is a full and

true account of the funds and property of said bank, and a full and true statement of the affairs of said bank.

(Signed)

A. TEN EYCK, *Notary Public*
in and for Wayne county.

Bank of St. Clair, May 10, 1837.

Capital stock,	\$20,000 00
Circulation,	37,007 00
Deposites,	1,806 07
Discounts and exchanges,	191,049 19
	<hr/>
	\$59,862 26
	<hr/>
Bills discounted and receivable,	\$38,441 19
Expense account, personal property, bank fund and taxes,	1,477 17
Buffalo agency,	870 08
Detroit do.	6,820 40
Bills of other banks,	1,574 02
Cash items,	71 13
Specie,	10,608 17
	<hr/>
	\$59,862 26

The liabilities of the directors are four thousand four hundred and fifty-six dollars and seventy-five cents.—\$4,456 75.

State of Michigan, County of St. Clair, ss.

I, Wesley Truesdail, cashier of the Bank of St. Clair, being duly sworn, do depose and say, that the foregoing statement is correct, to the best of my knowledge and belief.

WESLEY TRUESDAIL.

Subscribed and sworn, this the 17th day of May, 1837, before me,
N. TOMLINSON, J. P.

Statement of the affairs of the Bank of Pontiac, June 9th, 1837.

Bills discounted, and domestic exchange,	\$105,725 29
Banking-house furniture,	356 50
Due from banks,	5,994 31
Funds in Buffalo,	5,891 02
Items counted as cash,	6,000 00
Due from the Detroit and Pontiac railroad company,	8,315 40
Over-drafts,	3,560 00
Notes of other banks,	81 00
Specie,	7,092 00
	<hr/>
	\$143,015 52

Capital stock paid in,	\$99,225 00
Profits on hand,	5,030 87
Due to banks,	606 20
Individual deposites,	3,675 84
Notes in circulation,	34,477 61

\$143,015 52

State of Michigan, Oakland county, ss.

I, the undersigned, cashier of the Bank of Pontiac, do swear that the foregoing statement is substantially correct, and a true exhibit of the affairs of this institution, as I verily believe.

(Signed) SHERMAN STEVENS, *Cashier.*

Sworn and subscribed before me, this 9th day of June, 1837.

WM. S. HENDERSON, *Justice of the Peace.*

Bank of Clinton, May 26, 1837.

Cash—Specie,	\$10,589 61
Office,	2,000 00
Foreign,	7,000 00
	<hr/>
	\$19,589 61

Bills discounted,	30,040 66
Expense account,	711 50
Farmers' and mechanics' bank of Michigan,	8,449 34
Michigan state bank,	75 00
Bank of Washtenaw,	150 00
Bank of Geneva,	254 69
Funds at Buffalo,	6,102 47
Funds at Bath,	2,650 00

\$68,023 47

Capital stock,	\$20,000 00
Office notes issued,	42,900 00
Discount record,	564 26
Exchange,	581 58
Certificates,	1,086 65
Deposites,	2,890 98

\$68,023 00

Liabilities of directors, \$10,596 83.

State of Michigan, County of Lenawee, ss.

Subscribed and sworn to before me, this 27th day of May, 1837.

JOHN SMITH, *J. P.*

The above is a true statement of the Bank of Clinton.

(Signed)

E. SMITH, *President.*

A. H. McCLURE, *Teller.*

Y

Bank of River Raisin, May 24, 1837.

Bills discounted and domestic exchanges,	\$296,039 65
Real estate,	8,408 50
Due from banks in the cities of New York and Albany,	31,353 66
Due from other banks,	20,095 72
Bank notes on hand,	5,694 00
Specie,	22,896 26
Cash items,	2,350 00
Over-drafts,	4,982 06
	<hr/>
	\$391,829 85
Capital stock paid in,	\$150 000 00
Profits on hand,	8,195 16
Due to banks,	32,395 99
Deposites,	37,102 70
Circulation,	364,186 00
	<hr/>
	\$391,829 85

The amount of loans, discounts and endorsements of the directors, is \$42,717 26.

(Signed)

A. E. WING, *President.*

N. R. HASKALL, *Cashier.*

State of Michigan, Monroe county, ss.

Be it known, that on this 25th day of May, A. D. 1837, personally came before me, Austin E. Wing, president, and Norman R. Haskell, cashier of the Bank of River Raisin, and made oath that the within is a true statement of the affairs of said bank, according to the best of their knowledge and belief.

(Signed)

CARLOS COLTON, *Notary Public.*

Statement of the Erie and Kalamazoo Railroad Bank, 25th May, 1837.

Due from banks in Albany,	\$7,667 54
Due from banks in Buffalo,	5,712 12
Due from other banks,	2,807 20
Specie,	9,141 59
Notes of other banks,	1,141 00
Loans and discounts,	140,716 79
Expenses,	44 10
Bank fund,	93 75
Over-drafts,	16 00
	<hr/>
	\$168,180 09

Capital paid in,	\$65,600 00
Circulation,	85,435 00
Due to banks,	1,716 15
Profit and loss and discounts,	2,674 29
Unpaid dividends,	1,188 75
Deposites,	11,563 90
	<hr/>
	\$168,180 09

The total liabilities of the directors as makers and endorsers on loans and discounts, are \$38,224 18.

I, Philo C. Fuller, cashier of the Erie and Kalamazoo railroad bank, at Adrian, being duly sworn, do declare that the foregoing statements are correct and true, to the best of my knowledge and belief.

PHILO C. FULLER.

State of Michigan.

Subscribed and sworn to, this 25th day of May, 1837, before me,

MILTON W. HALSEY.

Notary public of Lenawee county, State aforesaid.

Bank of Ypsilanti, June 6, 1837.

Liabilities.

Capital stock paid in,	\$50,000 00
Profit and loss,	3,745 81
Office notes in circulation,	87,768 00
Individual deposits,	11,687 46
Due to other banks,	1,197 53
	<hr/>
	\$154,398 80

Resources.

Bills discounted,	\$98,890 47
Bank fund,	50 00
Incidental expenses,	1,860 78
Due from Buffalo agency,	\$13,705 75
" other banks,	3,786 75
Specie on hand,	14,893 47
Notes of other banks,	14,723 00
Items counted as cash,	6,478 75
	<hr/>
	\$154,398 80

The loans made to directors, are \$5,729.

Washtenaw County, ss.

Personally appeared before me, this 6th day of June, 1837, Da-

vid Ballentine, cashier of the bank of Ypsilanti, and made oath that the above statement was true, according to the best of his knowledge and belief.

ABRA'M VOORHIES, *Justice of the Peace.*

Statement of the Bank of Constantine, June 7th, 1837.

Bills discounted,	\$14,639 75
Real estate, banking-house and lot,	1,422 22
Balances due from other banks,	4,532 53
Expense account,	411 50
Notes of other banks,	4,804 00
Specie,	13,983 94
	<hr/>
	\$39,793 94
	<hr/>
Capital paid in,	\$20,000 00
Deposites,	5,607 37
Notes in circulation,	13,913 37
Discounts received and profit and loss,	273 57
	<hr/>
	\$39,793 94

Charles A. Hopkins, cashier of the bank of Constantine, being duly sworn, says that the above statement is a true exhibit of the affairs of said bank.

CHAS. AUG. HOPKINS, *Cashier.*

Constantine June 7, 1837.

Subscribed and sworn to before me, this eighth day of June, A. D. 1837.

WILLIAM C. PEASE, *Justice of the Peace.*

Calhoun County Bank, June 3, 1837.

Due from other banks,	\$11,093 09
Specie,	5,259 33
Notes of other banks,	14,443 00
Bills receivable,	22,337 00
Expenses,	2,926 39
	<hr/>
	\$56,059 61
	<hr/>
Capital paid in,	\$20,000 00
Circulation,	28,327 00
Deposites,	7,732 61
	<hr/>
	\$56,059 61

The liabilities of the directors as makers are twenty-one hundred and forty dollars, and as endorsers eight thousand five hun-

dred and sixty dollars—in all ten thousand seven hundred dollars, \$10,700 00.

I, William V. Porter, cashier of the Calhoun county bank at Marshall, being duly sworn, do declare the foregoing statements are correct and true, to the best of my knowledge and belief.

WILLIAM V. PORTER, *Cashier.*

Sworn and subscribed to before me, this third day of June, 1837.

MARVIN PRESTON, *Justice of the Peace.*

A statement of the affairs of the Bank of Washtenaw, 28th May, 1837.

Resources.

Bills discounted,	\$157,814 45	
do. in suit,	19,923 90	
	<hr/>	\$177,738 32
Exchange accounts,		
L. A. Spalding,	22,688	
N. J. Brown,	10,000	
D. B. Brown,	3,500	
	<hr/>	36,188
Cash—specie,	2,398 32	
Notes of other banks,	5,820	
	<hr/>	8,218 32
Real estate,		2,520 00
Contingent expense account,		6,538 84
Brown, Buckland & Co., Buffalo,		5,051 00
Green, Brount & Co., New York,		796 13
Due from other banks,		1,677 61
		<hr/>
		\$238,708 25

Liabilities.

Capital stock,	\$100,000 00
Profit and loss,	3,520 62
Discounts received,	6,855 30
Circulation,	104,201 00
Due to other banks,	4,408 00
L. A. Spalding,	13,602 66
Deposites,	6,120 67
	<hr/>
	\$238,708 26

State of Michigan, Washtenaw county, ss.

I, William S. Maynard, president of the Bank of Washtenaw, being duly sworn, do depose and say, that the foregoing statement is true and correct to the best of my knowledge and belief.

(Signed)

WILLIAM S. MAYNARD:

Subscribed and sworn before me,

N. R. RAMSDELL, *Notary Public.*

Statement of the affairs of the Bank of Macomb County, June 8th, 1837.

Bills discounted and domestic exchange,	\$59,165 16
Cash items,	835 80
Due from other banks,	1,523 23
Notes of other banks,	3,863 00
Over-drafts,	682 87
Specie,	5,261 65
	<hr/>
	\$71,331 71
	<hr/>
Capital stock paid in,	\$23,080 00
Deposites,	2,583 00
Profits,	495 71
Circulation,	45,173 00
	<hr/>
	\$71,331 71

Nine directors' liabilities, \$6,500.

State of Michigan, Macomb county, ss.

We, the undersigned, president and cashier of the Bank of Macomb county, do swear that the foregoing statement is a true exhibit of the affairs of this institution.

(Signed)

JNO. STOCKTON, *Pres't.*

C. A. EMERSON, *Cash'r.*

Bank of Tecumseh, May 25, 1837.

Bills discounted,	\$45,939 47
Due from other banks,	
" Merchants' exchange bank, N. Y.,	\$255 27
" Bank of Troy,	7 50
" F. & M. bank, (Detroit,)	1 50
" M. & F. bank, (Albany,)	1,464 68
	<hr/>
	1,728 95
Calls of stock unpaid,	4,530 00
Profit and loss,	1,343 98
Cash,	
Specie,	12,863 88
Bills of other banks,	2,835 00
Items counted as cash,	115 00
	<hr/>
	15,813 88
	<hr/>
	\$69,356 28
	<hr/>
Capital stock,	\$36,000 00
Carried forward,	

Brought forward,		\$	
Due to banks, &c.			
Lockport bank,		3	25
River Raisin & G. R. R. Co.,	2,837	37	
Palmyra and Jackson R. R. Co.,	2	37	
Erie and Kalamazoo R. R. bank,	669	20	
Michigan state bank,	1,024	52	
Bank of River Raisin,	58	79	
			<hr/>
			\$4,595 50
Individual deposites,			8,429 78
Circulation,			26,331 00
			<hr/>
			\$69,356 28

Each director of the bank is required by the charter to give good and sufficient bonds in the sum of ten thousand dollars as collateral security to the bill-holder for the ultimate redemption of its issues. The stock of the River Raisin and Grand river railroad—capital \$1,500,000—is also pledged for the liquidation of its liabilities.

State of Michigan, County of Lenawee, ss.

I, Stillman Blanchard, president of the Bank of Tecumseh, being duly sworn, do depose and say that the foregoing statement is true and correct to the best of my knowledge and belief.

(Signed)

S. BLANCHARD,

President T. Bank.

Subscribed and sworn this the twenty-
seventh day of May, 1837, before me, }
(Signed) CHARLES HEWETT, J. P. }

(No. 2.)

Message from the Governor in behalf of the Regents of the University.

Detroit, June 13th, 1837.

To the President of the Senate :

SIR—As a member of the board of Regents of the University of Michigan, I have been instructed to ask of the legislature the following amendments to the act providing for the government of that institution.

1st. An amendment to the act, so as to invest the board of Regents with power to elect the chancellor and prescribe his duties.

2d. To amend the act, so as to make the Governor of the state president of the board; and in his absence, to authorize the Regents to elect a president pro tem.

3d. To invest the board with power to create such professorships in the University as they may deem proper, and to establish branches of the main institution at their discretion.

The first amendment requested, is asked in consideration of the fact, that the board of Regents are satisfied from the information they have received, that it was the intention of the legislature to confer upon them the power of electing the chancellor of the University, and as a necessary consequence, that they should have the authority to prescribe his duties. They have been induced to ask the second amendment, from suggestions which have occurred to them in the course of their deliberations upon the form of government best adapted to the success of the institution. The third amendment is desired for the purpose of enabling the Regents to exercise a sound discretion, in multiplying professorships and establishing branches, as rapidly as the interests of the University will demand, or its funds permit. At present no such power can be exercised without an appeal to the legislature, and it is thought it will readily occur to that body, that the Regents might be with safety vested with an authority which must be controlled by contingencies, and which will be guided by the interest of the public in its execution.

I have to request, sir, that you will submit these suggestions to the body over whom you preside, and respectfully to ask their sanction of them at as early a day as practicable, the board of Regents having been compelled to suspend their deliberations until such amendments are made to the law organizing the University of Michigan as are here suggested.

I have the honor to be

Your obedient servant,

STEVENS T. MASON,

Committee on the part of the Regents.

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